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<p style="text-align: center;">IN THE UNITED STATE DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>CIVIL ACTION NUMBER CV-2:05CV-1040-WKW</p> <p>DORA DAVIS, Plaintiff(s), vs. ALBANY INTERNATIONAL, JEFF JOHNSTON, Defendant(s).</p> <p style="text-align: center;">DEPOSITION TESTIMONY OF: DORA DAVIS</p> <p>May 12, 2006 9:00 a.m.</p> <p>COURT REPORTER: DAVID L. MILLER, CSR, RMR</p>	<p>1 grounds at the time of trial or at the 2 time said deposition is offered in 3 evidence, or prior thereto. 4 5 6 7 <b>I N D E X</b> 8 <b>EXAMINATION BY: PAGE NO.</b> 9 Mr. Powell 8 10 Certificate 286 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
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<p>1 <b>S T I P U L A T I O N</b> 2 <b>IT IS STIPULATED AND AGREED by and</b> 3 <b>between the parties throught their</b> 4 <b>respective counsel that the deposition of</b> 5 <b>DORA DAVIS, may be taken before David L.</b> 6 <b>Miller, Registered Merit Reporter and</b> 7 <b>Notary Pulbic, State at Large, at the law</b> 8 <b>offices of Toles &amp; Williams, Montgomery,</b> 9 <b>Alabama, on May 12, 2006, commencing at</b> 10 <b>approximately 9:00 a.m.</b> 11 <b>IT IS FUTHER STIPULATED AND AGREED</b> 12 <b>that the signature to and the reading of</b> 13 <b>the deposition by the witness is waived,</b> 14 <b>the deposition to have the same force and</b> 15 <b>effect as if full compliance had been had</b> 16 <b>with all laws and rules of Court relating</b> 17 <b>to the taking of depositions.</b> 18 <b>IT IS FURTHER STIPULATED AND</b> 19 <b>AGREED that it shall not be necessary for</b> 20 <b>any objections to be made by counsel to</b> 21 <b>any questions, except as to form or</b> 22 <b>leading questions, and that counsel for</b> 23 <b>the parties may make objections and assign</b></p>	<p>1 <b>INDEX OF EXHIBITS</b> 2 <b>EXHIBITS PAGE NO.</b> 3 <b>DEFENDANT'S 1 State court complaint 13</b> 4 <b>DEFENDANT'S 2 Albany's policies 40</b> 5 <b>DEFENDANT'S 3 Acknowledgment 41</b> 6 <b>DEFENDANT'S 4 I understand document 42</b> 7 <b>DEFENDANT'S 5 Training record 45</b> 8 <b>DEFENDANT'S 6 Disability statement 130</b> 9 <b>DEFENDANT'S 7 Handbook 136</b> 10 <b>DEFENDANT'S 8 Notice of decision 167</b> 11 <b>DEFENDANT'S 9 Employee documentation 241</b> 12 <b>DEFENDANT'S 10 Inter-office memo 247</b> 13 <b>DEFENDANT'S 11 Return to work letter 252</b> 14 <b>DEFENDANT'S 12 Exit interview 257</b> 15 <b>DEFENDANT'S 13 Voluntary resignation 261</b> 16 <b>DEFENDANT'S 14 Forget letter 261</b> 17 <b>DEFENDANT'S 15 Initial disclosures 265</b> 18 19 20 21 22 23</p>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF(S):</p> <p>4 Triana S. Williams</p> <p>5 Vicky U. Toles</p> <p>6 TOLES &amp; WILLIAMS</p> <p>7 1015 South McDonough Street</p> <p>8 Montgomery, Alabama 36104</p> <p>9</p> <p>10 FOR THE DEFENDANT, ALBANY:</p> <p>11 Charles A. Powell, IV</p> <p>12 BAKER, DONELSON, BEARMAN, CALDWELL</p> <p>13 &amp; BERKOWITZ</p> <p>14 1600 SouthTrust Tower</p> <p>15 420 20th Street North</p> <p>16 Birmingham, Alabama 35203</p> <p>17</p> <p>18 FOR THE DEFENDANT, JOHNSTON:</p> <p>19 Jennifer F. Swain</p> <p>20 JOHNSTON, BARTON, PROCTOR &amp; POWELL</p> <p>21 2900 AmSouth/Harbert Plaza</p> <p>22 1901 Sixth Avenue North</p> <p>23 Birmingham, Alabama 35203</p>	<p>1 I, David L. Miller, a Registered</p> <p>2 Merit Report of Birmingham, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify</p> <p>5 that on this date, pursuant to the Federal</p> <p>6 Rules of Civil Procedure, and the</p> <p>7 foregoing stipulation of counsel, there</p> <p>8 came before me at the law offices of</p> <p>9 Toles &amp; Williams, Montgomery, Alabama,</p> <p>10 commencing at approximately 9:00 a.m. on</p> <p>11 May 12, 2006, DORA DAVIS, witness in the</p> <p>12 above cause, for oral examination,</p> <p>13 whereupon the following proceedings were</p> <p>14 had:</p> <p>15</p> <p>16 DORA DAVIS,</p> <p>17 Having been first duly sworn, was examined</p> <p>18 and testified as follows:</p> <p>19</p> <p>20 COURT REPORTER: Usual</p> <p>21 stipulations?</p> <p>22 MS. TOLES: Yes.</p> <p>23 MR. POWELL: Yes.</p>
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<p>1 APPEARANCES</p> <p>2</p> <p>3 ALSO PRESENT:</p> <p>4 Jeff Johnston</p> <p>5 Ted Bryant</p> <p>6 Demonica Ritchison</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 MS. SWAIN: Yes.</p> <p>2</p> <p>3 EXAMINATION BY MR. POWELL:</p> <p>4 Q. How are you this morning,</p> <p>5 Ms. Davis?</p> <p>6 A. A little bit tired. I'm not</p> <p>7 feeling well today.</p> <p>8 Q. I'm sorry to hear that. My</p> <p>9 name is Charles Powell. I'm the attorney</p> <p>10 representing Albany International in the</p> <p>11 lawsuit that you have brought against the</p> <p>12 company and Jeff Johnston. Jennifer Swain</p> <p>13 is representing Mr. Johnston in the case.</p> <p>14 I think he will be joining us in a little</p> <p>15 while.</p> <p>16 We are here to take your</p> <p>17 deposition in your lawsuit today. This is</p> <p>18 my and Ms. Swain's opportunity to find out</p> <p>19 what facts that you have that you believe</p> <p>20 support your claims against Albany and</p> <p>21 Mr. Johnston in this lawsuit. For that</p> <p>22 reason, I and Albany are going to rely on</p> <p>23 your testimony, as well as Mr. Johnston</p>

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<p>1 and Ms. Swain.</p> <p>2 For that reason, it is</p> <p>3 important for you to listen to my</p> <p>4 questions carefully. If you don't</p> <p>5 understand the question, please tell me</p> <p>6 and I will happy to repeat or rephrase the</p> <p>7 question.</p> <p>8 If you answer a question, I'm</p> <p>9 going to assume that you understood it and</p> <p>10 that the answer that you have given me is</p> <p>11 to the best of your ability. All right?</p> <p>12 A. (Nods head)</p> <p>13 MS. TOLES: He --</p> <p>14 Q. That instruction is coming</p> <p>15 next. For Mr. Miller's benefit, I need</p> <p>16 you to answer orally, either yes or no or</p> <p>17 in a narrative fashion. He can take down</p> <p>18 nods or shakes of the head, but it is not</p> <p>19 always clear exactly what you meant.</p> <p>20 So, mainly for Mr. Miller's</p> <p>21 benefit, if you would either say yes or no</p> <p>22 or give a narrative answer, it will make</p> <p>23 it easier on Mr. Miller to take down the</p>	<p>1 Q. I-V-E-R-S-O-N?</p> <p>2 A. S-O-N, uh-huh.</p> <p>3 Q. Did you do anything to get</p> <p>4 ready for your deposition today?</p> <p>5 A. Yes.</p> <p>6 Q. What did you do?</p> <p>7 A. I talked to my lawyer.</p> <p>8 Q. Don't tell me what y'all</p> <p>9 talked about. Did you do anything else</p> <p>10 besides talk to counsel?</p> <p>11 A. That was it.</p> <p>12 Q. Did you review any documents?</p> <p>13 A. I looked over the documents.</p> <p>14 Q. Do you remember which</p> <p>15 documents you looked at?</p> <p>16 A. The response and my</p> <p>17 complaints.</p> <p>18 Q. Okay. When you say your</p> <p>19 complaint, your complaint in this lawsuit?</p> <p>20 A. In this lawsuit.</p> <p>21 Q. Did you also look at your</p> <p>22 complaint from your State court lawsuit?</p> <p>23 A. State court -- I don't</p>
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<p>1 testimony.</p> <p>2 A. Yes.</p> <p>3 Q. All right. You said that you</p> <p>4 are not feeling well this morning. Are</p> <p>5 you on any kind of medication that you</p> <p>6 think will affect your memory and your</p> <p>7 ability to testify here today?</p> <p>8 A. No.</p> <p>9 Q. If you need a break at any</p> <p>10 time, let me know and we can take a few</p> <p>11 minutes.</p> <p>12 A. Okay.</p> <p>13 Q. All right. You were with</p> <p>14 Albany for roughly twenty-four years; is</p> <p>15 that about right?</p> <p>16 A. Twenty four and a half years.</p> <p>17 Q. All right. You are currently</p> <p>18 Dora Davis. Are there any other names</p> <p>19 that you went by during your employment</p> <p>20 with the company?</p> <p>21 A. Yes.</p> <p>22 Q. What were they?</p> <p>23 A. Jones and Iverson.</p>	<p>1 understand.</p> <p>2 Q. In addition to this case, I</p> <p>3 think you also filed a State court lawsuit</p> <p>4 against the company with different</p> <p>5 lawyers.</p> <p>6 A. Okay. No, I didn't look over</p> <p>7 that one.</p> <p>8 Q. Okay. Well, if you would just</p> <p>9 take a look at that for me real quick.</p> <p>10 MR. POWELL: Do you have a</p> <p>11 copy of it?</p> <p>12 MS. TOLES: I don't think I</p> <p>13 have got that.</p> <p>14 MR. POWELL: (Hands document)</p> <p>15 MS. TOLES: Thank you.</p> <p>16 (Pause)</p> <p>17 THE WITNESS: Okay.</p> <p>18 Q. (BY MR. POWELL) All right.</p> <p>19 Have you had a chance to review that</p> <p>20 document?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recognize it?</p> <p>23 A. Yes.</p>

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<p>1 Q. Okay. What is it?</p> <p>2 A. It's a complaint I filed</p> <p>3 against the company for Workers' Comp with</p> <p>4 -- I can't think of his name.</p> <p>5 Q. Would that be William Abell</p> <p>6 who is listed on the last page?</p> <p>7 A. Yes. William Abell.</p> <p>8 Q. All right. And if you could,</p> <p>9 look on page four of the document. Are</p> <p>10 those your signatures?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Did you authorize</p> <p>13 Mr. Abell to file this complaint on your</p> <p>14 behalf?</p> <p>15 A. Yes.</p> <p>16 Q. And did you have an</p> <p>17 opportunity to review it before Mr. Abell</p> <p>18 filed it in court? Did you read over it</p> <p>19 beforehand?</p> <p>20 A. I don't remember. I don't</p> <p>21 remember.</p> <p>22 Q. Take a look at the bottom of</p> <p>23 page four for me. That little paragraph</p>	<p>1 A. 1979. I started as a worker</p> <p>2 bee.</p> <p>3 Q. Okay.</p> <p>4 A. A seamer, I went to the</p> <p>5 finishing as a helper bee, and then I went</p> <p>6 back to the seaming as a seamer, then a</p> <p>7 nap operator.</p> <p>8 Q. And how were you paid at</p> <p>9 Albany?</p> <p>10 A. Hourly.</p> <p>11 Q. Were you an hourly worker</p> <p>12 throughout your tenure with the company?</p> <p>13 A. Twenty-four and a half years,</p> <p>14 yes.</p> <p>15 Q. Okay. Are you a member of the</p> <p>16 Union?</p> <p>17 A. Yes.</p> <p>18 Q. Which one?</p> <p>19 A. Teamsters, I believe.</p> <p>20 Q. Okay. Was there a collective</p> <p>21 bargaining agreement that -- in place when</p> <p>22 you were employed by Albany?</p> <p>23 A. I believe so.</p>
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<p>1 above the second signature on the bottom</p> <p>2 of the page.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, are the facts</p> <p>5 alleged in this complaint true and</p> <p>6 accurate?</p> <p>7 A. They are.</p> <p>8 Q. Okay. And that includes all</p> <p>9 of the facts that you have -- the</p> <p>10 allegations that you have made in count</p> <p>11 two of that complaint?</p> <p>12 (Pause)</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If you could, just give</p> <p>15 that to Mr. Miller. We will mark that as</p> <p>16 Exhibit 1 to your deposition.</p> <p>17 (WHEREUPON, a document was</p> <p>18 marked as Defendant's Exhibit 1 and is</p> <p>19 attached to the original transcript.)</p> <p>20 Q. What did you do for Albany?</p> <p>21 A. From the beginning?</p> <p>22 Q. That may be the easiest way to</p> <p>23 do it. You got hired in 1979?</p>	<p>1 Q. How long did you work as a</p> <p>2 worker bee?</p> <p>3 A. About a year and a half.</p> <p>4 About a year and a half.</p> <p>5 Q. Is that your first job at</p> <p>6 Albany?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Is that in the weaving</p> <p>9 department?</p> <p>10 A. The weaving.</p> <p>11 Q. How did you get from being a</p> <p>12 worker bee to a seamer?</p> <p>13 A. We had a bidding system , so I</p> <p>14 bid to be a seamer.</p> <p>15 Q. Was there a job bid procedure</p> <p>16 in place your whole time at Albany?</p> <p>17 A. Yes.</p> <p>18 Q. So if any hourly employee at</p> <p>19 Albany wanted to move from one job to</p> <p>20 another, did you have to bid on the job to</p> <p>21 move?</p> <p>22 A. Once the job was placed on the</p> <p>23 board, was opened up, then you bid for</p>



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<p>1 that job if you wanted to be placed.</p> <p>2 Q. Okay. And do you know,</p> <p>3 generally, what the criteria were that</p> <p>4 were considered once people applied for a</p> <p>5 job that was posted on the board?</p> <p>6 A. Not really.</p> <p>7 Q. All right. And did you bid on</p> <p>8 the job to get from seaming to finish?</p> <p>9 A. Yes.</p> <p>10 Q. How long did you say -- let me</p> <p>11 ask you this.</p> <p>12 How long did you stay a seamer</p> <p>13 that first time?</p> <p>14 A. About ten years.</p> <p>15 Q. Do you remember who your</p> <p>16 supervisor was when you were a worker bee?</p> <p>17 A. Eric Thorington, I believe.</p> <p>18 Eric.</p> <p>19 Q. Was Mr. Bryant in the plant</p> <p>20 when you got hired?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you worked with Ted</p> <p>23 Bryant the whole time that you were with</p>	<p>1 and a half years at Albany, did you ever</p> <p>2 hear Mr. Bryant make any racially</p> <p>3 inappropriate remarks?</p> <p>4 A. No.</p> <p>5 Q. Ever hear Mr. Bryant telling</p> <p>6 any racially inappropriate jokes?</p> <p>7 A. No.</p> <p>8 Q. Okay. During the time -- your</p> <p>9 first time as a seamer, that roughly</p> <p>10 ten-year stretch, who was your supervisor?</p> <p>11 A. Jewel Johnson, Bill Smith,</p> <p>12 and, I believe, Barbara Smith at one</p> <p>13 point.</p> <p>14 Q. Jewel Johnson?</p> <p>15 A. Yes.</p> <p>16 Q. Jewel like a diamond, Ruby?</p> <p>17 A. I know her name is Jewel. How</p> <p>18 is it, I don't know.</p> <p>19 Q. And Jewel Johnson, Bill Smith,</p> <p>20 and Barbara Smith were your supervisors</p> <p>21 during your first run in the seaming</p> <p>22 department?</p> <p>23 A. Yes.</p>
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<p>1 the company?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you believe</p> <p>4 Mr. Bryant ever took any action against</p> <p>5 you because of your race?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you allege in this lawsuit</p> <p>8 that Mr. Bryant did anything to you at</p> <p>9 Albany because of your race?</p> <p>10 A. I don't know that either.</p> <p>11 Q. You filed the lawsuit, so I'm</p> <p>12 confused how you don't know if you are</p> <p>13 accusing Mr. Bryant of doing anything</p> <p>14 because of your race.</p> <p>15 A. I know that a lot of racial</p> <p>16 things was done and based racially, but I</p> <p>17 don't know whether he personally did it.</p> <p>18 Q. Okay. So, as you sit here</p> <p>19 today, you cannot identify any particular</p> <p>20 act by Mr. Bryant that you believe</p> <p>21 occurred because of your race?</p> <p>22 A. No, I can't.</p> <p>23 Q. Okay. During your twenty-four</p>	<p>1 Q. Okay. Are Bill Smith and</p> <p>2 Barbara Smith related?</p> <p>3 A. No.</p> <p>4 Q. All right. So how did you get</p> <p>5 from being a seamer to the finishing</p> <p>6 department?</p> <p>7 A. I bidded.</p> <p>8 Q. Bid on it. How long did you</p> <p>9 stay in finishing?</p> <p>10 A. Maybe two months.</p> <p>11 Q. All right. Did you have to</p> <p>12 bid back to seaming, or is there some</p> <p>13 procedure in the collective bargaining</p> <p>14 agreement that let you go get your old job</p> <p>15 back within a certain period of time?</p> <p>16 A. I was injured. I fell off of</p> <p>17 a table.</p> <p>18 Q. Okay.</p> <p>19 A. And when I got back from off</p> <p>20 -- recovering, I was allowed to go back to</p> <p>21 the seaming department.</p> <p>22 Q. Okay. Was that a Workers'</p> <p>23 Compensation injury?</p>

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<p>1 A. Yes.</p> <p>2 Q. What year?</p> <p>3 A. 1991.</p> <p>4 Q. 1991. Who was your supervisor</p> <p>5 during the time period that you were in</p> <p>6 finishing?</p> <p>7 A. Joe Dean.</p> <p>8 Q. All right. What was the</p> <p>9 nature of your injury in 1991?</p> <p>10 A. I fell off a -- I don't know</p> <p>11 what they call the table, but it was about</p> <p>12 this high (Indicating).</p> <p>13 Q. About three and a half, four</p> <p>14 feet?</p> <p>15 A. Four feet. And I had to -- we</p> <p>16 had something we called heat set -- a heat</p> <p>17 set table. So I was the helper. And the</p> <p>18 head told me to go up and take the bar and</p> <p>19 put it so they could run the pan for the</p> <p>20 heat set over it.</p> <p>21 When I stood up -- got up on</p> <p>22 the table to bend down to get the bar, I</p> <p>23 didn't know the extent of the weight. And</p>	<p>1 Q. Did you just pick up the bar</p> <p>2 and lose your balance because of the</p> <p>3 weight of the bar?</p> <p>4 A. When I picked up the bar, I</p> <p>5 just felt pain in my lower back. I -- I</p> <p>6 guess I acknowledged the pain, and that's</p> <p>7 when I fell.</p> <p>8 Q. Okay. When you came back and</p> <p>9 went back to the seaming department, who</p> <p>10 was your supervisor?</p> <p>11 A. Jewel Johnson.</p> <p>12 Q. You said that you were a</p> <p>13 seamer and then became a nap operator.</p> <p>14 Are those both in the seaming department?</p> <p>15 A. Both in the seaming</p> <p>16 department.</p> <p>17 Q. How did you get from being a</p> <p>18 seamer to a nap operator?</p> <p>19 A. During that time we had where</p> <p>20 we would be transferred from the -- they</p> <p>21 were phasing the groscey (phonetic)</p> <p>22 machine out and they were bringing the</p> <p>23 M-3000s in. It was another -- it was</p>
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<p>1 I picked it up. And when I picked it up,</p> <p>2 I fell off the table. And I hurt my lower</p> <p>3 back and my right knee.</p> <p>4 Q. Did you get some medical</p> <p>5 treatment for that?</p> <p>6 A. Not at first. I went to my</p> <p>7 own doctor. I went to the company. I was</p> <p>8 denied Workers' Comp. I went to my own</p> <p>9 doctor. I was treated.</p> <p>10 So, eventually, after I had</p> <p>11 gone back to work, it was recognized as a</p> <p>12 Workers' Comp situation.</p> <p>13 Q. All right. And I take it at</p> <p>14 some point you were released to return to</p> <p>15 work at full duty?</p> <p>16 A. Yes.</p> <p>17 Q. And when you came back, is</p> <p>18 that when you went back to your prior job</p> <p>19 in the seaming department?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When you fell off the</p> <p>22 table, who was your table head?</p> <p>23 A. Eddie Lane.</p>	<p>1 another machine, but I don't know the name</p> <p>2 of that machine. But it was similar to</p> <p>3 the M-3000. And we kind of like went</p> <p>4 from -- according to seniority, we were</p> <p>5 taken from one to the other one. From the</p> <p>6 groscey to the nap side.</p> <p>7 Q. Okay. Just for my benefit,</p> <p>8 because I have never run any of these</p> <p>9 machines. What is a -- a groscey?</p> <p>10 A. It was a manual. You seam</p> <p>11 manually. You actually put the steam in</p> <p>12 with your hand.</p> <p>13 Q. Okay. And when you say put</p> <p>14 the seam in, are you weaving the ends of</p> <p>15 the fabric together?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So you are taking woven</p> <p>18 pieces of fabric and putting the ends</p> <p>19 together to making a belt out of it?</p> <p>20 A. Yes.</p> <p>21 Q. All right. Do you know how</p> <p>22 you spell a groscey?</p> <p>23 A. No. I don't remember that</p>

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<p>1 much.</p> <p>2 Q. All right. Do you remember,</p> <p>3 roughly, when the company was</p> <p>4 transitioning from the manual groscey</p> <p>5 seaming machine to what, I guess, were</p> <p>6 electronic seaming machines?</p> <p>7 A. It was around like '91, '92.</p> <p>8 In that area -- that time frame.</p> <p>9 Q. You mentioned -- is it an</p> <p>10 M-3000?</p> <p>11 A. Yes. That's what we called</p> <p>12 it. We called it an M-3000.</p> <p>13 Q. What is the M-3000?</p> <p>14 A. It was an automatic seaming.</p> <p>15 Q. Tell me how the job was</p> <p>16 different when you changed from manual</p> <p>17 seaming to an automatic seaming machine.</p> <p>18 A. It was different because I was</p> <p>19 doing it with my hand. When you went to</p> <p>20 the groscey -- to the M-3000, it was done</p> <p>21 automatically. But you had to sit the</p> <p>22 fabric up and connect it to the machine</p> <p>23 and you had to sit and watch it and look</p>	<p>1 finishing. Did Ms. Johnson remain your</p> <p>2 supervisor for the rest of your time with</p> <p>3 the company?</p> <p>4 A. No.</p> <p>5 Q. Who else served as your</p> <p>6 supervisor after Ms. Johnson?</p> <p>7 A. I don't know whether anyone</p> <p>8 was between Jewel, but I think Jeff</p> <p>9 Johnston was the next supervisor. I</p> <p>10 believe.</p> <p>11 Q. So Jeff Johnston is the next</p> <p>12 seaming supervisor that you remember?</p> <p>13 A. I believe he was.</p> <p>14 Q. Okay. And how long did</p> <p>15 Mr. Johnston remain your supervisor?</p> <p>16 A. I don't know whether it was</p> <p>17 maybe two years -- if it was two years or</p> <p>18 three. Something like that. I don't know</p> <p>19 exactly.</p> <p>20 Q. Do you recall when</p> <p>21 Mr. Johnston became your supervisor in the</p> <p>22 seaming department?</p> <p>23 A. I believe it was -- I don't</p>
Page 26	Page 28
<p>1 for mistakes and anything else that might</p> <p>2 occur.</p> <p>3 Q. All right. And how many</p> <p>4 M-3000 machines were there in your</p> <p>5 department?</p> <p>6 A. I forgot that.</p> <p>7 Q. I assume it was more than</p> <p>8 one.</p> <p>9 A. It was -- I don't know. Maybe</p> <p>10 thirteen between the M-3000s and -- it</p> <p>11 might have been thirteen. I can remember</p> <p>12 up to N-9. But it was more. I believe it</p> <p>13 was more.</p> <p>14 Q. Okay. You said N-9; is that a</p> <p>15 machine number?</p> <p>16 A. That was a -- all of the</p> <p>17 machines were numbered.</p> <p>18 Q. Okay.</p> <p>19 A. And I can remember N-9. I</p> <p>20 don't remember.</p> <p>21 Q. Okay. Did Jewel -- you said</p> <p>22 that Jewel Johnson was your supervisor in</p> <p>23 seaming when you came back from</p>	<p>1 know whether it was '94 or '95.</p> <p>2 Q. Okay. And he would have been</p> <p>3 your supervisor in that department till</p> <p>4 '96, '97, somewhere in that time frame?</p> <p>5 A. I know it was up until '96. I</p> <p>6 don't know when he left the department. I</p> <p>7 don't know when he left the department.</p> <p>8 Q. Okay. Who replaced</p> <p>9 Mr. Johnston?</p> <p>10 A. Nat Jones, I believe.</p> <p>11 Q. And how long was Nat Jones</p> <p>12 your supervisor in seaming?</p> <p>13 A. I believe it was -- I don't</p> <p>14 know.</p> <p>15 Q. Okay. Did Mr. Jones -- Nat</p> <p>16 Jones remain your supervisor for the rest</p> <p>17 of your time at Albany?</p> <p>18 A. No.</p> <p>19 Q. Who replaced Mr. Jones?</p> <p>20 A. Tim Woodward.</p> <p>21 Q. Do you know when Mr. Woodward</p> <p>22 became your supervisor?</p> <p>23 A. No, because I don't know when</p>

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8 (Pages 29 to 32)

Page 29	Page 31
<p>1 Nat Jones left.</p> <p>2 Q. How long was Mr. Woodward your</p> <p>3 supervisor?</p> <p>4 A. Maybe two or three years, I</p> <p>5 guess. I don't know.</p> <p>6 Q. Okay. And any supervisors in</p> <p>7 seaming after Mr. Woodward?</p> <p>8 A. Barbara Smith.</p> <p>9 Q. Do you know when Ms. Smith</p> <p>10 became your supervisor?</p> <p>11 A. It was after Tim Woodward</p> <p>12 left. I don't know exactly.</p> <p>13 Q. Okay. Was Ms. Smith your</p> <p>14 supervisor at the time that you stopped</p> <p>15 working at Albany?</p> <p>16 A. It -- she was there at the</p> <p>17 time I was terminated. She was there at</p> <p>18 the time I was terminated.</p> <p>19 Q. Barbara Smith was?</p> <p>20 A. Barbara Smith.</p> <p>21 Q. So after Mr. Woodward, was</p> <p>22 Barbara Smith your supervisor for the rest</p> <p>23 of your time at the company?</p>	<p>1 return to work.</p> <p>2 Q. August 21st of 2003?</p> <p>3 A. August 21st, yes, of 2003. I</p> <p>4 was on and off at work up until October</p> <p>5 the 29th.</p> <p>6 Q. You say that you got called at</p> <p>7 home on August the 21st, 2003?</p> <p>8 A. Uh-huh (Nodding head).</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 Q. All right.</p> <p>12 A. I'm sorry.</p> <p>13 Q. Who called you?</p> <p>14 A. Ted Bryant.</p> <p>15 Q. Okay. What did Mr. Bryant say</p> <p>16 during this call?</p> <p>17 A. He -- he suggested that I</p> <p>18 didn't come to work until -- I don't even</p> <p>19 remember why. He just suggested that I</p> <p>20 didn't return to work.</p> <p>21 Q. Well, do you know what time of</p> <p>22 day he called you on August the 21st of</p> <p>23 2003?</p>
Page 30	Page 32
<p>1 A. Yes.</p> <p>2 Q. Okay. Do you recall the</p> <p>3 actual last day that you operated a</p> <p>4 seaming machine at Albany?</p> <p>5 A. I don't know the last day.</p> <p>6 Q. Okay. Do you know what month</p> <p>7 it was?</p> <p>8 A. It probably was October,</p> <p>9 because -- it probably was October.</p> <p>10 Q. Early October?</p> <p>11 A. I don't remember.</p> <p>12 Q. All right. I know you had a</p> <p>13 meeting with Mr. Bryant and Jeff Johnston</p> <p>14 around October the 29th of 2003.</p> <p>15 A. That's true.</p> <p>16 Q. Okay. We are going to talk</p> <p>17 about that meeting in a little while. But</p> <p>18 do you know how far in advance of that</p> <p>19 meeting -- do you have a sense of how far</p> <p>20 in advance of that meeting was the actual</p> <p>21 last day that you did any work at Albany?</p> <p>22 A. On August the 21st I was</p> <p>23 called at home, and I was told not to</p>	<p>1 A. No.</p> <p>2 Q. Do you remember what day of</p> <p>3 the week it was?</p> <p>4 A. No.</p> <p>5 Q. Were you scheduled to work</p> <p>6 that day?</p> <p>7 A. Yes.</p> <p>8 Q. Had you worked the day</p> <p>9 before?</p> <p>10 A. If it wasn't a weekend, yes.</p> <p>11 I don't remember what day it was.</p> <p>12 Q. Okay. Had you had any type of</p> <p>13 work-related injury somewhere near that</p> <p>14 date?</p> <p>15 A. Yes.</p> <p>16 Q. What was the injury?</p> <p>17 A. Okay. If you want me to back</p> <p>18 up, because we skipped a lot of injuries.</p> <p>19 In 1992 I was injured; in 1994 I was</p> <p>20 injured.</p> <p>21 Q. Okay.</p> <p>22 A. In 1999 I was injured; in</p> <p>23 2001, I was injured; in 2002 I was</p>

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9 (Pages 33 to 36)

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<p>1 injured.</p> <p>2 Q. Well, at the time Mr. Bryant</p> <p>3 called you on August the 21st of 2003,</p> <p>4 were you still receiving medical treatment</p> <p>5 for any of these prior injuries that you</p> <p>6 have listed?</p> <p>7 A. Yes.</p> <p>8 Q. All right. We are going to</p> <p>9 back up and kind of go through all of</p> <p>10 that.</p> <p>11 All right. You say Mr. Bryant</p> <p>12 called you on August the 21st of 2003 and</p> <p>13 suggested that you not return to work.</p> <p>14 A. Yes.</p> <p>15 Q. Did he tell you that you were</p> <p>16 being placed on any type of inactive</p> <p>17 status?</p> <p>18 A. I don't remember that.</p> <p>19 Q. Do you recall what Mr. Bryant</p> <p>20 said during this call?</p> <p>21 A. I don't know. I just know</p> <p>22 that he called and he told me not to</p> <p>23 return to work.</p>	<p>1 shift, or whenever you left on any day,</p> <p>2 you would also clock out?</p> <p>3 A. Yes.</p> <p>4 Q. All right. During this call</p> <p>5 with Mr. Bryant on August the 21st, 2003,</p> <p>6 did he make any reference to your race?</p> <p>7 A. No.</p> <p>8 Q. Did you ask him why you were</p> <p>9 being told not to return to work?</p> <p>10 A. He told me until I see the</p> <p>11 doctor.</p> <p>12 Q. Well, at that time did you</p> <p>13 have a doctor's appointment scheduled in</p> <p>14 connection with one of your work</p> <p>15 injuries?</p> <p>16 A. Yes.</p> <p>17 Q. And who would that doctor have</p> <p>18 been?</p> <p>19 A. It would be Dr. Katz. It</p> <p>20 would be Dr. Katz.</p> <p>21 Q. Was he one of -- was Dr. Katz</p> <p>22 one of your approved Workers' Compensation</p> <p>23 treating doctors?</p>
Page 34	Page 36
<p>1 Q. That day or ever?</p> <p>2 A. Until they -- until I see the</p> <p>3 doctor or -- I don't know -- it was after</p> <p>4 a certain appointment, but I don't</p> <p>5 remember exactly.</p> <p>6 Q. And how long was it before you</p> <p>7 returned to work after this call with</p> <p>8 Mr. Bryant on August 21st?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. You mentioned that you</p> <p>11 worked on and off until October the 29th,</p> <p>12 2003.</p> <p>13 A. Yes.</p> <p>14 Q. That would be between this</p> <p>15 call with Mr. Bryant on August the 21st</p> <p>16 and October the 29th, 2003?</p> <p>17 A. Yes.</p> <p>18 Q. You worked periodically?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Any time that you</p> <p>21 worked, would you have clocked in?</p> <p>22 A. Yes, I would have.</p> <p>23 Q. And so then at the end of the</p>	<p>1 A. Yes.</p> <p>2 Q. And at that time were you</p> <p>3 having difficulty working because of your</p> <p>4 injuries?</p> <p>5 A. Yes.</p> <p>6 Q. Causing you to miss time at</p> <p>7 work?</p> <p>8 A. It caused me at that time to</p> <p>9 -- the only time I missed work during that</p> <p>10 time was when Ted called me and told me</p> <p>11 not to return, or whenever he said that</p> <p>12 the doctor said, "You go to therapy." So</p> <p>13 I go to therapy a certain time of day. I</p> <p>14 would leave therapy and go to work. That</p> <p>15 was the only time that was missed.</p> <p>16 Q. Okay.</p> <p>17 A. Besides that, we had no work</p> <p>18 days. So we could take no work days. I</p> <p>19 did take no work days because of the</p> <p>20 injuries. I took vacation time because of</p> <p>21 the injuries.</p> <p>22 Q. When you say no work days,</p> <p>23 what does that mean?</p>



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10 (Pages 37 to 40)

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<p>1 A. We would have slack day's,  2 work production -- no work to put out, so  3 they would declare it a no work day, and  4 they would allow you to take them. Ted  5 Bryant or the company would allow you to  6 take it.  7 Q. And that would apply to you  8 and everybody else in the plant?  9 A. Yes.  10 Q. Okay. So you could just go  11 home for the day?  12 A. Well, usually, you don't work  13 that day. You let them know you don't  14 want to work that day, and you didn't work  15 that day.  16 Q. Those days did not count as  17 attendance occurrences?  18 A. No.  19 Q. If you took a vacation day,  20 that didn't count as an attendance  21 occurrence?  22 A. No.  23 Q. All right. I guess we will</p>	<p>1 A. I would have to go over the  2 complaint. I don't remember.  3 Q. All right. I can represent to  4 you that there is no reference to  5 Ms. Johnson in your complaint.  6 A. I don't know.  7 Q. Does that mean if there is not  8 a specific reference to someone in the  9 complaint, that you -- that you are not  10 claiming that that person took any action  11 against you because of your race?  12 A. Yes.  13 Q. Okay. So you are not accusing  14 Nat Jones of taking any action against you  15 because of your race?  16 A. No.  17 Q. You are not accusing Tim  18 Woodward of taking any action against you  19 because of your race?  20 A. No.  21 Q. You are not accusing Barbara  22 Smith of taking any action against you  23 because of your race?</p>
Page 38	Page 40
<p>1 have a number of injuries to go through.  2 We will do that in a minute. Let me ask  3 you a couple of quick questions.  4 During the time that you --  5 well, do you believe that Jewel Johnson  6 ever took any action against you because  7 of your race?  8 A. I don't know.  9 Q. Do you allege in this lawsuit  10 that Ms. Johnson took any action against  11 you because of your race?  12 A. I don't remember.  13 Q. You don't remember whether she  14 did or you don't remember whether you  15 allege --  16 A. I don't remember whether I  17 allege it. I don't remember.  18 Q. Well, I am asking in the  19 lawsuit that you have brought against the  20 company, are you claiming in this lawsuit  21 that Ms. Johnson -- that Jewel Johnson  22 took any action against you because of  23 your race?</p>	<p>1 A. No.  2 Q. Okay. Well, what exactly is  3 it that you believe Mr. John --  4 THE WITNESS: Can I take a  5 break?  6 MR. POWELL: Do you want to  7 take a break?  8 THE WITNESS: Yes.  9 MR. POWELL: We can do that.  10 9:42 AM  11 (Short recess)  12 9:53 AM  13 Q. (BY MR. POWELL) Are you ready?  14 A. Yes.  15 Q. All right. When we took a  16 break, I was getting ready to ask you some  17 questions about Mr. Johnston. We will put  18 that on hold for just a second. We will  19 come back to Jeff in just a minute.  20 During your time at the  21 company, did Albany have a policy in place  22 regarding discrimination and harassment in  23 the workplace?</p>



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11 (Pages 41 to 44)

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<p>1 A. We had equal opportunity  2 posted on the bulletin board, like a board  3 where it was equal opportunity.  4 Q. Do you recall going through  5 any training at the company about the  6 company's harassment and discrimination  7 policies?  8 A. No.  9 Q. Okay. Take a look at that for  10 me.  11 Have you had an opportunity to  12 look over that document?  13 A. Yes.  14 Q. Do you recognize it?  15 A. No, I don't recognize it.  16 Q. So you don't recall receiving  17 any training on this while you worked for  18 the company?  19 A. I don't remember.  20 Q. All right. We are going to  21 mark that as Exhibit 2 to your deposition.  22 (WHEREUPON, a document was  23 marked as Defendant's Exhibit 2 and is</p>	<p>1 any training on a harassment policy at the  2 company?  3 A. I -- this is my handwriting.  4 Q. Okay.  5 A. But I still don't remember  6 it.  7 Q. You just don't remember it?  8 A. I don't remember it.  9 Q. Okay. Well, in that case, you  10 may not remember this one either, but I'm  11 going to show it to you, and we will see.  12 (WHEREUPON, a document was  13 marked as Defendant's Exhibit 4 and is  14 attached to the original transcript.)  15 Q. Now, this is several different  16 items -- it may not be several. It is a  17 one-page document entitled I Understand.  18 Then there are three pages clipped  19 together behind it, and then there is a  20 booklet in this together clipped on the  21 back of it.  22 If you will, just take a  23 minute to look through all of that for me.</p>
Page 42	Page 44
<p>1 attached to the original transcript.)  2 Q. Go ahead and mark this one,  3 also.  4 (WHEREUPON, a document was  5 marked as Defendant's Exhibit 3 and is  6 attached to the original transcript.)  7 Q. I will ask, does that refresh  8 your recollection, what has been marked as  9 Defendant's Exhibit 3?  10 A. Huh-uh (Shaking head).  11 Q. Have you had a chance to look  12 over what has been marked as Exhibit 3?  13 A. Yes.  14 Q. Is that your signature on it?  15 A. Yes.  16 Q. Is that your handwriting where  17 your name is printed under your signature?  18 A. Yes.  19 Q. Does that look like your  20 handwriting on the rest of the document?  21 A. Yes.  22 Q. So does this refresh your  23 memory as to whether or not you received</p>	<p>1 (Pause)  2 A. Okay.  3 Q. Have you had a chance to look  4 over what we have marked as Exhibit 4 to  5 your deposition?  6 A. Yes.  7 Q. Do you recognize those  8 documents?  9 A. Yes.  10 Q. All right. Do you recall  11 where you first say these documents?  12 A. I remember the meeting now. I  13 remember the meeting now.  14 Q. Do you remember a group  15 training session?  16 A. Yes.  17 Q. Do you remember who else was  18 in the room with you?  19 A. They were hourly employees.  20 And I believe the lady was brought from  21 Albany, New York. I believe she was. I  22 believe it was a lady.  23 Q. Dana Champagne, does that</p>

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12 (Pages 45 to 48)

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<p>1 sound right?</p> <p>2 A. I just remember a lady.</p> <p>3 Q. So somebody that you</p> <p>4 understood was from Albany's corporate</p> <p>5 office came down and gave you a training</p> <p>6 class?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. The first page of</p> <p>9 that -- the document that is entitled, "I</p> <p>10 Understand" -- is that your signature on</p> <p>11 that page?</p> <p>12 A. Yes.</p> <p>13 Q. And do you recall, during this</p> <p>14 training session, receiving all of those</p> <p>15 materials that are clipped to the "I</p> <p>16 Understand" page with your signature?</p> <p>17 A. I remember the meeting.</p> <p>18 Q. Okay.</p> <p>19 A. I don't remember receiving</p> <p>20 these, but I have seen these documents.</p> <p>21 Q. And they are listed on that</p> <p>22 page with your signature on it, correct?</p> <p>23 A. Yes.</p>	<p>1 employment with Albany, which would have</p> <p>2 been during -- two years and nine or ten</p> <p>3 months after this training -- did you ever</p> <p>4 make any effort to contact Ms. Champagne</p> <p>5 to complain about any issues in the</p> <p>6 Montgomery plant?</p> <p>7 A. No.</p> <p>8 Q. After this training session,</p> <p>9 did you ever contact Mr. Bryant to</p> <p>10 complain about any act that you thought</p> <p>11 was somehow discriminatory because of</p> <p>12 race?</p> <p>13 A. I filed grievances, but I just</p> <p>14 don't remember what I put on the</p> <p>15 grievance. I have no records of it.</p> <p>16 Q. So you filed grievances. Do</p> <p>17 you remember what you filed the grievances</p> <p>18 concerning?</p> <p>19 A. I filed grievance on one</p> <p>20 disciplinary action, one where a statement</p> <p>21 was made by a department -- a department</p> <p>22 manager about women as opposed to men.</p> <p>23 And I don't know. I can't remember.</p>
Page 46	Page 48
<p>1 Q. I have marked that one as</p> <p>2 Exhibit 5.</p> <p>3 (WHEREUPON, a document was</p> <p>4 marked as Defendant's Exhibit 5 and is</p> <p>5 attached to the original transcript.)</p> <p>6 Q. And just to make it easy for</p> <p>7 you, I will represent to you that these</p> <p>8 are sign-in logs for everybody who went</p> <p>9 through the same type of training that you</p> <p>10 did. You can look through all of them if</p> <p>11 you would like. I think what looks like</p> <p>12 your signature is on the fourth page.</p> <p>13 A. Okay.</p> <p>14 Q. Is that your signature at</p> <p>15 number two on that page?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Prior to this meeting,</p> <p>18 had you ever met Dana Champagne?</p> <p>19 A. No.</p> <p>20 Q. Have you ever spoken with her</p> <p>21 since then?</p> <p>22 A. No.</p> <p>23 Q. During the remainder of your</p>	<p>1 Q. Other than -- now, these</p> <p>2 grievances -- is there a grievance</p> <p>3 procedure under the collective bargaining</p> <p>4 agreement?</p> <p>5 A. Yes.</p> <p>6 Q. So how do you file a</p> <p>7 grievance?</p> <p>8 A. You have a shop steward. You</p> <p>9 have a -- people who represent you in the</p> <p>10 department. So you go to that person, and</p> <p>11 you get the paperwork and you write out</p> <p>12 your grievance.</p> <p>13 Q. Okay. And then does the Union</p> <p>14 submit the grievance to the company?</p> <p>15 A. Yes.</p> <p>16 Q. What happens then?</p> <p>17 A. Then you wait for something</p> <p>18 like a hearing.</p> <p>19 Q. A formal hearing, or do you</p> <p>20 have a --</p> <p>21 A. A formal hearing like -- would</p> <p>22 be me, the shop steward, Ted Bryant,</p> <p>23 possibly Jeff Johnston. Plant manager,</p>

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13 (Pages 49 to 52)

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<p>1 department manager, to that effect. 2 Q. Who was your shop steward in 3 the steaming department? 4 A. I had several. 5 Q. Okay. Let me see if I can do 6 it this way. At the time of the grievance 7 over the disciplinary action, do you 8 recall who your shop steward was? 9 A. I believe it was -- one was -- 10 I remember Dot Collins. The second -- I 11 don't remember who the second one was. 12 Q. Okay. Who was the department 13 manager that made some comments about 14 women versus -- male versus female 15 employees? 16 A. It was Bob Hampsey. 17 Q. What did Mr. Hampsey say? 18 A. I don't remember, but I know 19 it was a grievance. I know we wrote the 20 grievance out. We went through the 21 grievance procedures. 22 Q. How far in the grievance 23 procedure did you go?</p>	<p>1 Q. Okay. Who was Bob Hampsey? 2 A. He was a department manager 3 for the seaming department. 4 Q. Would he have been above your 5 supervisor? 6 A. Yes. 7 Q. Okay. And during what time 8 period was Mr. Hampsey department manager 9 for seaming? 10 A. This was an occasion where it 11 was a male -- a male operator and we had 12 female operators. So they brought this 13 male back -- well, he bided for the 14 department, and they just made him -- I 15 don't even know what the position was. 16 But they just -- a position that women had 17 bided for. They didn't allow us, they 18 just placed him. 19 Q. Well -- 20 A. He was working straight days, 21 and we had to rotate, stuff like that. It 22 was somewhat to that effect. 23 Q. Do you remember who the male</p>
Page 50	Page 52
<p>1 A. We went to, I guess, the 2 arbitrary -- arbitrator -- where the -- 3 the Union rep had to come down. We went 4 to that. 5 Q. You had a formal arbitration? 6 A. Well, he was the person who 7 was like -- what -- we always say the man 8 from Birmingham. When he had to come down 9 from Birmingham. 10 Q. He works in the Union office 11 in Birmingham? 12 A. In Birmingham, yes. 13 Q. Okay. Was that third step? 14 A. It might have been. 15 Q. Let me ask it this way. Were 16 there any lawyers involved? 17 A. No, I don't think so. 18 Q. Then it wasn't an arbitration. 19 A. Okay. 20 Q. All right. And what was the 21 resolution of this grievance involving 22 Mr. Hampsey? 23 A. I don't remember.</p>	<p>1 operator was? 2 A. It was Willie Reynolds. 3 Q. Willie Reynolds? 4 A. Yes. 5 Q. Do you know what year this 6 occurred? 7 A. I don't remember. 8 Q. Is Mr. Reynolds white or 9 black? 10 A. Black. 11 Q. At the time, who was your 12 supervisor above you but below 13 Mr. Hampsey? 14 A. I believe it was Nat Jones. 15 Q. Did you ever hear Mr. Hampsey 16 make any racially inappropriate remark at 17 Albany? 18 A. No. 19 Q. Ever hear Mr. Hampsey tell any 20 racial jokes? 21 A. No. 22 Q. Do you believe Mr. Hampsey 23 ever took any action against you because</p>

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14 (Pages 53 to 56)

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<p>1 of your race?</p> <p>2 A. No.</p> <p>3 Q. Did you know how Willie</p> <p>4 Reynolds got this particular job in the</p> <p>5 seaming department?</p> <p>6 A. It was a bidding job, and the</p> <p>7 reason I can remember it so -- because he</p> <p>8 told me personally that George Kazalay --</p> <p>9 that he was going to get that job.</p> <p>10 Q. Mr. Reynolds told you that</p> <p>11 Mr. George Kazalay told him he was going</p> <p>12 to get the job?</p> <p>13 A. Get the job. Out of the other</p> <p>14 bidders, he got the job.</p> <p>15 Q. Do you know who else bid for</p> <p>16 the job?</p> <p>17 A. I believe Norma Heath was one</p> <p>18 of the persons.</p> <p>19 Q. How do you know that Ms. Heath</p> <p>20 bid on it?</p> <p>21 A. Because she made -- mentioned</p> <p>22 it.</p> <p>23 Q. Ms. Heath told you that she</p>	<p>1 were you aware of where the job did not go</p> <p>2 to the most senior employee?</p> <p>3 A. When they asked for</p> <p>4 experience, they would ask -- they would</p> <p>5 list experiences.</p> <p>6 Q. Okay. On this occasion do you</p> <p>7 know who -- well, do you know what the</p> <p>8 criteria was for this job that</p> <p>9 Mr. Reynolds was awarded?</p> <p>10 A. It was working the routing</p> <p>11 table, bringing in and out fabrics out of</p> <p>12 the department. And Ms. Heath had been</p> <p>13 doing it for two or three years.</p> <p>14 Q. Okay. Had Mr. Reynolds ever</p> <p>15 worked in the seaming department?</p> <p>16 A. He had worked earlier. He had</p> <p>17 worked years prior to that.</p> <p>18 Q. Okay. Do you know if</p> <p>19 Mr. Reynolds met the criteria on the</p> <p>20 posting for the job?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Did you ever file --</p> <p>23 while you were at Albany, did you ever</p>
Page 54	Page 56
<p>1 bid on the job?</p> <p>2 A. Yes.</p> <p>3 Q. Did you bid on the job?</p> <p>4 A. No.</p> <p>5 Q. Did anyone besides</p> <p>6 Mr. Reynolds or Ms. Heath tell you that</p> <p>7 they bid the job?</p> <p>8 A. I don't remember the people.</p> <p>9 Q. Okay. Do you know the level</p> <p>10 of seniority of Mr. Reynolds and Ms. Heath?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Mr. Reynolds had seniority.</p> <p>14 Q. Mr. Reynolds had more</p> <p>15 seniority than Ms. Heath?</p> <p>16 A. Yes.</p> <p>17 Q. In your experience at the</p> <p>18 plant, when two -- when more than one</p> <p>19 employee bids on the job, did the job</p> <p>20 generally go to the employee with the most</p> <p>21 seniority?</p> <p>22 A. On occasions. Some occasions.</p> <p>23 Q. Okay. Well, what occasions</p>	<p>1 file any grievances directly related to</p> <p>2 the conduct of Mr. Johnston?</p> <p>3 A. Wow. I don't remember. Yes,</p> <p>4 I did. Yes.</p> <p>5 Q. Do you remember when that was?</p> <p>6 A. This was once when we were in</p> <p>7 a meeting. I don't remember what the</p> <p>8 meeting was about, but -- I do. It was</p> <p>9 pertaining to the nap, the M-3000, the</p> <p>10 fabric -- H-500 -- I think it was HE-500.</p> <p>11 It was a new project, and we</p> <p>12 were getting ready to train on it. And in</p> <p>13 the meeting he discussed whatever, and he</p> <p>14 asked for questions. During this time</p> <p>15 another employee asked a question,</p> <p>16 Katherine Davis. He -- he accused her of</p> <p>17 trying to run the company.</p> <p>18 The second time was -- I asked</p> <p>19 the question -- I don't know what the</p> <p>20 question was -- but during that time -- he</p> <p>21 told me after the meeting to meet him in</p> <p>22 the office.</p> <p>23 Q. Now, you keep referring to</p>

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15 (Pages 57 to 60)

Page 57	Page 59
<p>1 "he." Is the "he" you are referring to -- 2 A. Jeff Johnston. 3 Q. Mr. Johnston? 4 A. Yes. 5 Q. Do you remember when this 6 meeting was? 7 A. I don't remember. 8 Q. What job did Mr. Johnston hold 9 at the time of this meeting? 10 A. I believe it was department 11 manager. 12 Q. Department manager? 13 A. I believe it was. 14 Q. Did Mr. Johnston move from 15 supervisor to department manager in 16 seaming? 17 A. Yes. 18 Q. And who replaced Mr. Johnston 19 as department manager? 20 A. I believe it was Bob Hampsey. 21 Q. Okay. Do you know what year 22 Mr. -- what years Mr. Johnston was 23 department manager in seaming?</p>	<p>1 Q. Did he tell any racial jokes? 2 A. No. 3 Q. Do you remember what the 4 question was that Ms. Davis asked? 5 A. No, I don't. 6 Q. And you said the meeting was 7 related to the M-3000, which is a seaming 8 machine. 9 A. Yes. 10 Q. All right. And you mentioned 11 a fabric. 12 A. Yes. 13 Q. What was the fabric? 14 A. It was -- I believe it was the 15 HE-500. I believe that's what we called 16 it. 17 Q. A as in apple, T as in Tom? 18 A. HE. 19 Q. HE, okay. 20 Do you know what that fabric 21 was for? 22 A. I really don't know what they 23 used it for. I know it was a Proctor and</p>
Page 58	Page 60
<p>1 A. No, I don't. 2 Q. Okay. Was it prior to your 3 injury in 2001? 4 A. Yes. Yes. 5 Q. Okay. Do you remember who the 6 department manager was when you got 7 injured in 2001? 8 A. The department manager -- I 9 believe it was Bob Hampsey. 10 Q. Okay. So this meeting with 11 Mr. Johnston you have been describing 12 where Katherine Davis was there, you were 13 there, there may have been others, was 14 sometime prior to 2001? 15 A. Yes. 16 Q. All right. And at any point 17 during this meeting with Mr. Johnston, did 18 Mr. Johnston make any reference to 19 anyone's race? 20 A. No. 21 Q. Did he make any racially 22 inappropriate remarks? 23 A. No.</p>	<p>1 Gamble project. We seamed it for Proctor 2 and Gamble. 3 Q. At the time was this a new 4 fabric that you were working on? 5 A. No, because I had worked it in 6 manual. Groscey. 7 Q. You mentioned something about 8 training was involved. 9 A. They were transferring it from 10 the groscey onto the M-3000. 11 Q. Okay. So you were simply 12 moving the HE-500 fabric from a manual 13 seaming machine to the automatic? 14 A. Yes. 15 Q. Okay. Now, after the meeting 16 I think you said that Mr. Johnston told 17 you to meet him in his office. 18 A. Yes. 19 Q. Okay. Did you go? 20 A. Yes. 21 Q. Was anybody else present for 22 this meeting? 23 A. Yes.</p>



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16 (Pages 61 to 64)

Page 61	Page 63
<p>1 Q. Who?</p> <p>2 A. Jerelene Forest.</p> <p>3 Q. And who is Ms. Forest?</p> <p>4 A. She was a co-worker.</p> <p>5 Q. Also an operator?</p> <p>6 A. Yes.</p> <p>7 Q. Was she a nap seamer?</p> <p>8 A. Yes.</p> <p>9 Q. Other than Jeff Johnston,</p> <p>10 Jerelene Forest, and yourself, anybody</p> <p>11 else present for this meeting?</p> <p>12 A. No.</p> <p>13 Q. How long did this meeting last</p> <p>14 with Mr. Johnston?</p> <p>15 A. I really -- I don't know. I</p> <p>16 don't know what time.</p> <p>17 Q. What did y'all discuss in this</p> <p>18 meeting?</p> <p>19 A. I really don't know how it</p> <p>20 came about, but I know that he was -- he</p> <p>21 told me that he was going to take me</p> <p>22 upstairs and it was for disciplinary</p> <p>23 actions. So in the process -- first, he</p>	<p>1 write me a letter of apology, and he did</p> <p>2 write it. And during that time he had</p> <p>3 promised me that I would never work on a</p> <p>4 project again. So he -- he had to just</p> <p>5 write me a letter of apology. I don't</p> <p>6 remember exactly what was on the note, but</p> <p>7 he did.</p> <p>8 Q. During this meeting with</p> <p>9 Mr. Johnston, did that take place in his</p> <p>10 office?</p> <p>11 A. It was in the seaming</p> <p>12 supervisor's office.</p> <p>13 Q. In the seaming supervisor's</p> <p>14 office?</p> <p>15 A. Seaming department. Seaming</p> <p>16 supervisor's office.</p> <p>17 Q. At any point during this</p> <p>18 meeting did Mr. Johnston make any</p> <p>19 reference to your race?</p> <p>20 A. No.</p> <p>21 Q. Did he make any racially</p> <p>22 inappropriate remarks?</p> <p>23 A. No.</p>
Page 62	Page 64
<p>1 told Jerelene that she couldn't come in</p> <p>2 the meeting. He told her she couldn't be</p> <p>3 there. She wasn't a shop steward. So --</p> <p>4 when a union steward is not present, we</p> <p>5 also take another member with us. That's</p> <p>6 why I asked her to go in the meeting with</p> <p>7 me.</p> <p>8 So after we got in the</p> <p>9 meeting, he threatened to take me</p> <p>10 upstairs. So I asked him could I use the</p> <p>11 telephone, and he said yes. And I called</p> <p>12 Dot Collins, which was my union steward.</p> <p>13 So I told -- explained to her what was</p> <p>14 going on.</p> <p>15 She asked me could she speak</p> <p>16 with Mr. Johnston. And, in turn, I gave</p> <p>17 him the telephone. And I don't know what</p> <p>18 was said, but he just -- he left me</p> <p>19 alone. He said it was okay for me to go</p> <p>20 back on the floor to work.</p> <p>21 Q. Okay.</p> <p>22 A. So after that, Dot Collins --</p> <p>23 we filed a grievance, and she asked him to</p>	<p>1 Q. Did he tell any racial jokes?</p> <p>2 A. No.</p> <p>3 Q. Okay. Could you overhear what</p> <p>4 Ms. Collins was saying on the telephone</p> <p>5 with Mr. Johnston?</p> <p>6 A. I only heard -- when -- when</p> <p>7 she hung up from Jeff, she, in turn, asked</p> <p>8 for me. He gave me the phone back. She</p> <p>9 told me -- before I -- before I gave him</p> <p>10 the phone, she said, "Dora, no matter</p> <p>11 what, if you have to stay here until I get</p> <p>12 there, do not go upstairs with him." She</p> <p>13 said, "He is getting ready to fire you."</p> <p>14 I said okay, and I gave him the</p> <p>15 telephone.</p> <p>16 She told me she told him that</p> <p>17 you -- told him to calm down. You go</p> <p>18 around the building -- you run around ten</p> <p>19 times if you have to, but leave Dora</p> <p>20 alone.</p> <p>21 Q. All right. At any point in</p> <p>22 this meeting did Mr. Johnston explain to</p> <p>23 you why he was saying he was going to take</p>



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17 (Pages 65 to 68)

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<p>1 you upstairs?</p> <p>2 A. No.</p> <p>3 Q. At any point in this meeting</p> <p>4 did Mr. Johnston tell you that he was</p> <p>5 going to terminate your employment?</p> <p>6 A. No.</p> <p>7 Q. Okay. Now, you say the</p> <p>8 conclusion of all of this was that you</p> <p>9 went back to work and finished your shift?</p> <p>10 A. Yes.</p> <p>11 Q. Then a grievance was filed</p> <p>12 with Dot Collins' assistance?</p> <p>13 A. Yes.</p> <p>14 Q. While you were in this meeting</p> <p>15 with Mr. Johnston, were you on the clock?</p> <p>16 A. Yes.</p> <p>17 Q. So you were paid for all of</p> <p>18 your work that day?</p> <p>19 A. Yes.</p> <p>20 Q. And were paid for your time in</p> <p>21 this meeting?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And the conclusion of</p>	<p>1 action against you?</p> <p>2 A. I don't know.</p> <p>3 Q. <u>At the time this meeting with</u></p> <p>4 <u>Mr. Johnston occurred</u> we have just been</p> <p>5 discussing, did you believe Mr. Johnston</p> <p>6 was taking this action against you because</p> <p>7 of your race?</p> <p>8 A. No.</p> <p>9 Q. Okay. Is this the only</p> <p>10 grievance that you filed against</p> <p>11 Mr. Johnston during the time that y'all</p> <p>12 worked together at Albany?</p> <p>13 A. No. Before this time --</p> <p>14 before then -- it was beginning -- it was</p> <p>15 shift change, and I was getting ready to</p> <p>16 leave. So at the end of the shift, I was</p> <p>17 finishing a fabric. But he asked me to</p> <p>18 stay and take that fabric down. That was</p> <p>19 one of the processes -- procedures. And I</p> <p>20 did take the fabric down.</p> <p>21 When I was on my way out the</p> <p>22 door, two other operators -- two other</p> <p>23 white operators started saying words --</p>
Page 66	Page 68
<p>1 the grievance -- did the grievance go to</p> <p>2 first step?</p> <p>3 A. It went to first step, because</p> <p>4 -- in other words, first step is I filed</p> <p>5 it. But that's as far as it went, because</p> <p>6 he did do the apology.</p> <p>7 Q. It was a satisfactory</p> <p>8 resolution to you of the grievance to</p> <p>9 receive the letter of apology for</p> <p>10 Mr. Johnston?</p> <p>11 A. I didn't like what went on. I</p> <p>12 didn't like it, but I accepted the</p> <p>13 apology.</p> <p>14 Q. Okay. That was the end of the</p> <p>15 grievance?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So that matter was</p> <p>18 resolved under the collective bargaining</p> <p>19 agreement?</p> <p>20 A. I guess you could say that.</p> <p>21 Q. All right. At the time this</p> <p>22 meeting occurred, did you -- why did you</p> <p>23 believe Mr. Johnston was taking this</p>	<p>1 having words with me. When I responded --</p> <p>2 I responded, but I left -- I clocked out</p> <p>3 and I went home. Obviously, they stayed</p> <p>4 and talked to Mr. Johnston.</p> <p>5 The next day, when I got to</p> <p>6 work, Mr. Johnston called me in the office</p> <p>7 and he told me not to jump his employees.</p> <p>8 Q. Did he say anything else to</p> <p>9 you?</p> <p>10 A. He said other things, but I</p> <p>11 remember that distinctly. He didn't give</p> <p>12 me the opportunity to express myself. He</p> <p>13 asked me no questions. He didn't ask me</p> <p>14 anything. He just assumed that I was</p> <p>15 guilty. He told me not to jump his</p> <p>16 employees.</p> <p>17 Q. All right. You say this</p> <p>18 occurred prior to the other grievance,</p> <p>19 which was sometime before 2001.</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember what year this</p> <p>22 issue with the shift change occurred?</p> <p>23 A. I don't know what year. I</p>

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18 (Pages 69 to 72)

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<p>1 don't know exactly what year. He was a  2 supervisor at this time.  3 Q. He was the seaming supervisor?  4 A. Yes.  5 Q. So at the time of this  6 incident with the shift change and  7 discussion, Mr. Johnston was the seaming  8 supervisor?  9 A. Yes.  10 Q. Who were the two white  11 operators that were involved?  12 A. Shirley Thornton and Dottie --  13 I don't know what it was -- Brown, I  14 believe.  15 Q. I believe you said as you were  16 leaving -- I guess they were coming to  17 work?  18 A. They were leaving, too, but  19 they approached me. Some -- I don't know  20 -- I don't remember. All I know is that  21 they approached me when I was getting  22 ready to clock out.  23 Q. What did they say to you?</p>	<p>1 Ms. Thornton or Ms. Brown went to make a  2 report to Mr. Johnston?  3 A. I did know that.  4 Q. You were not present for  5 any --  6 A. No.  7 Q. So you do not know what  8 Ms. Thornton or Ms. Brown may have said to  9 Mr. Johnston?  10 A. No.  11 Q. At any point during this  12 meeting with Mr. Johnston the following  13 day, did he discipline you in any way?  14 A. He called me in the office and  15 he told me not to jump his employees.  16 Q. Did Mr. Johnston write you up  17 on this occasion?  18 A. No.  19 Q. Did you receive any type of  20 formal disciplinary action under any of  21 Albany's plant rules?  22 A. No.  23 Q. Did Mr. Johnston at any point</p>
Page 70	Page 72
<p>1 A. It was that -- let me see how  2 they put it. It was pertaining to the  3 take down, and -- I don't remember what it  4 was, but it was pertaining to the -- to my  5 taking the wire down.  6 Q. What did you say to them?  7 A. I don't even remember. I know  8 that words were exchanged, and the next  9 day I got reprimanded.  10 Q. When you say words were  11 exchanged, pleasant conversation,  12 argument?  13 A. No. It was unpleasant.  14 Q. Did anybody use any profanity  15 in this exchange?  16 A. I don't remember that.  17 Q. Did anybody in this exchange  18 make any references to your race?  19 A. I don't remember that.  20 Q. Did anybody in this exchange  21 make any racially inappropriate remarks?  22 A. I don't remember.  23 Q. Do you know whether or not</p>	<p>1 during this meeting make any reference to  2 your race?  3 A. No.  4 Q. Did he make any racially  5 inappropriate remarks?  6 A. No.  7 Q. Did Mr. Johnston tell any  8 racial jokes in this meeting?  9 A. No.  10 Q. Do you believe that  11 Mr. Johnston made these comments to you in  12 the office because of your race?  13 A. I can't say why he did it.  14 Q. Did Mr. Johnston tell you why  15 he did it?  16 A. No, he didn't.  17 Q. Okay. Did you file a  18 grievance arising out of this situation  19 with Shirley Thornton and Dottie Brown?  20 A. In the meeting I had  21 remembered that George Kazalay said his  22 door was always opened. It bothered me  23 that -- why wasn't I asked a question.</p>

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19 (Pages 73 to 76)

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<p>1 Why wasn't I asked what happened, you  2 know. I was -- somebody was accusing me.  3 So I asked -- I asked Nat  4 Jones. He came to the department, I asked  5 him what is -- I asked him for the number  6 -- how do I get in touch with George  7 Kazalay. He gave me the number.  8 When I dialed Mr. Kazalay, I  9 got -- I don't know his -- he know it was  10 John. He don't live there -- he had left  11 the company, and he was the production  12 manager at the time. So he didn't come  13 down right then. It took about two  14 weeks.  15 So finally he came and he  16 tried talking to me on the floor, but the  17 machines are noisy, I asked him -- "Let's  18 step in the cafeteria." We stepped in the  19 cafeteria and I explained to him what  20 happened. And he told me that he was  21 going to make Jeff apologize to me.  22 So one day Jeff came on the  23 floor, and he apologized to me.</p>	<p>1 given rang to somebody else's office?  2 A. Yes.  3 Q. Did you leave a message on  4 that answering machine?  5 A. Yes, I left a message.  6 Q. For Mr. Kazalay?  7 A. Yes.  8 Q. Did you go back and tell  9 Mr. Jones he had given you the wrong phone  10 number?  11 A. No, because -- I believe I  12 received -- anyway, I left a message. But  13 later on John called back for me in the  14 department. I explained to him what went  15 on. And then he came to the department  16 and we sat -- well, I told him that I was  17 the one who called. I was calling  18 Mr. Kazalay. He took the place of  19 Mr. Kazalay. He was the one that came to  20 the seaming department to talk to me.  21 Q. Did you speak with Mr. Kazalay  22 directly?  23 A. No. I never spoke to</p>
Page 74	Page 76
<p>1 Q. Okay.  2 A. That was it.  3 Q. All right. Now, you say --  4 who is George Kazalay?  5 A. He was the plant manager at  6 the time.  7 Q. Okay. And how long was  8 Mr. Kazalay the plant manager?  9 A. I don't know.  10 Q. Was Mr. Kazalay still the  11 plant manager at the time you left the  12 company?  13 A. No.  14 Q. Do you know how long -- how  15 far in advance of that -- the end of your  16 employment that Mr. Kazalay left?  17 A. Approximately less than six  18 months.  19 Q. Now, you say you went and  20 asked Nat Jones for Mr. Kazalay's  21 telephone number.  22 A. Yes.  23 Q. The phone number you were</p>	<p>1 Mr. Kazalay.  2 Q. I thought you told me a minute  3 ago that Mr. Kazalay said that he was  4 going to make Mr. Johnston apologize.  5 A. John -- John did. I can't  6 remember his name -- his last name.  7 Q. John told you that Mr. Kazalay  8 said --  9 A. No. John told me that he was  10 going to have -- make Jeff apologize to  11 me.  12 Q. At any point during your  13 employment, did you ever go directly to  14 George Kazalay to report any concerns at  15 work?  16 A. I called Mr. Kazalay on the  17 phone, because I was under -- I had -- I  18 was taking medicine, and I was on the  19 machine running it. I was very light  20 headed and sleepy.  21 And I told Tim Woodward that I  22 believe the medicine -- I didn't need to  23 be on the machine, because the medicine</p>

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20 (Pages 77 to 80)

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<p>1 was really causing me not to be able to  2 operate it. And Tim told me to go get my  3 pill bottle, he wanted to see it.  4 He looked at the pill bottle.  5 He said, "Oh, you can run to the machine."  6 I went to the phone and I called  7 Mr. Kazalay. Mr. Kazalay told me that  8 there was a chain of command, and that was  9 the end of that.  10 Q. So what happened after you  11 called Mr. Kazalay?  12 A. He told me there was a chain  13 of command.  14 Q. Did you go back to work?  15 A. Yes. I went back to -- I went  16 back to the machine. And I went to  17 another operator, which was Mamie Long,  18 and I told her to watch out for me because  19 I had had medicine and I didn't know what  20 might happen in the process.  21 Q. Did you finish your shift?  22 A. Yes.  23 Q. Did anything bad happen?</p>	<p>1 Johnson. Jewel Johnson, I believe.  2 Q. Was Mr. Kazalay plant manager  3 when Mr. Johnston was your seeming  4 supervisor?  5 A. Yes.  6 Q. Was Mr. Kazalay, for lack of a  7 better way to describe it, the big boss in  8 Montgomery for most of the -- up until  9 close to the time that you left the  10 company?  11 A. Yes.  12 Q. Okay.  13 MS. WILLIAMS: Do you need a  14 break?  15 THE WITNESS: I'm getting  16 tired. I'm really getting tired.  17 MS. WILLIAMS: Can we take a  18 break for a few minutes? Let's take a  19 break.  20 THE WITNESS: Just tired. I  21 feel sleepy.  22 MS. WILLIAMS: Let's take a  23 break.</p>
Page 78	Page 80
<p>1 A. I was -- just druggish.  2 Q. Well, you finished your shift?  3 A. I finished my shift.  4 Q. Any problems with the fabric  5 that day?  6 A. No.  7 Q. Were you able to finish out  8 your job duties for the day?  9 A. Yes.  10 Q. At any point while you worked  11 with Mr. Kazalay, did you ever go to  12 Mr. Kazalay and tell him that you thought  13 you were having issues with Jeff Johnston?  14 A. No.  15 Q. Did you ever go to Mr. Kazalay  16 and tell him you thought anybody at the  17 plant was treating you differently because  18 of your race?  19 A. No.  20 Q. Okay. Do you know who your  21 immediate supervisor was when Mr. Kazalay  22 became plant manager?  23 A. Wow. I believe it was Jewel</p>	<p>1 THE WITNESS: I just feel real  2 sleepy.  3 MS. WILLIAMS: Do you want to  4 get up?  5 THE WITNESS: Just like I'm  6 going to fall asleep.  7 MS. WILLIAMS: Let's walk  8 around and get some water. Are you okay?  9 THE WITNESS: Uh-huh.  10 MS. WILLIAMS: Are you sure?  11 THE WITNESS: Uh-huh (Nodding  12 head).  13 10:35 AM  14 (Short recess)  15 10:53 AM  16 Q. (BY MR. POWELL) Are you ready?  17 A. Yes.  18 Q. Okay. When we took a break,  19 we were talking a little bit about George  20 Kazalay. At any point during your  21 employment at Albany with Mr. Kazalay, do  22 you believe Mr. Kazalay took any action  23 against you because of your race?</p>

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21 (Pages 81 to 84)

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<p>1 A. No.</p> <p>2 Q. Did you ever make any</p> <p>3 complaints directly to Mr. Kazalay about</p> <p>4 Jeff Johnston?</p> <p>5 A. No.</p> <p>6 Q. You said at some point</p> <p>7 Mr. Kazalay -- you had heard Mr. Kazalay</p> <p>8 say that his door was always open.</p> <p>9 A. (Nods head)</p> <p>10 Q. Correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall when you heard</p> <p>13 him say that?</p> <p>14 A. This was when he first came to</p> <p>15 work for Albany in Montgomery.</p> <p>16 Q. Did he get there in 1989?</p> <p>17 Does that sound about right?</p> <p>18 A. Did he get there in 1999?</p> <p>19 Q. '89.</p> <p>20 A. '89. Possibly.</p> <p>21 Q. Okay. But he was there for a</p> <p>22 long time?</p> <p>23 A. Yes.</p>	<p>1 office in the plant?</p> <p>2 A. I really don't know. It was</p> <p>3 up front upstairs, but I don't know.</p> <p>4 Q. Okay. Now, when you say up</p> <p>5 front --</p> <p>6 A. It --</p> <p>7 Q. -- is there an office area in</p> <p>8 the front of the plant?</p> <p>9 A. Yes.</p> <p>10 Q. And from the seaming</p> <p>11 department, can you see the area of the</p> <p>12 plant where the business offices are?</p> <p>13 A. No.</p> <p>14 Q. Okay. How far, just walk</p> <p>15 wise, to get from where your work area was</p> <p>16 up to the office area?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Did you ever try to</p> <p>19 just go to Mr. Kazalay's office to report</p> <p>20 any concerns about work?</p> <p>21 A. No.</p> <p>22 Q. Okay. You mentioned an</p> <p>23 individual named John, and you couldn't</p>
Page 82	Page 84
<p>1 Q. And at the time Mr. Kazalay</p> <p>2 first came to Montgomery, you heard him</p> <p>3 say that his door was always open?</p> <p>4 A. Yes.</p> <p>5 Q. All right. At any point</p> <p>6 during the time that you worked with</p> <p>7 Mr. Kazalay, did you ever go to</p> <p>8 Mr. Kazalay to complain that you thought</p> <p>9 you had been treated differently because</p> <p>10 of your race?</p> <p>11 A. No.</p> <p>12 Q. Did you ever go tell</p> <p>13 Mr. Kazalay you thought you were being</p> <p>14 harassed in any fashion by anybody at the</p> <p>15 company?</p> <p>16 A. Well, when I called his office</p> <p>17 and he told me there was a chain of</p> <p>18 command, that's what I wanted to do was</p> <p>19 complain then.</p> <p>20 Q. That was related to you being</p> <p>21 on some medication and --</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Where was Mr. Kazalay's</p>	<p>1 remember his last name.</p> <p>2 A. Last name, right.</p> <p>3 Q. And do you recall what John's</p> <p>4 position was in the Montgomery plant?</p> <p>5 A. I believe he was the</p> <p>6 production manager.</p> <p>7 Q. Do you believe that John ever</p> <p>8 took any action against you because of</p> <p>9 your race?</p> <p>10 A. No.</p> <p>11 Q. Do you believe that John ever</p> <p>12 engaged in any harassing behavior towards</p> <p>13 you?</p> <p>14 A. No.</p> <p>15 Q. Ever hear John make any</p> <p>16 racially inappropriate remarks?</p> <p>17 A. No.</p> <p>18 Q. Ever hear John tell any racial</p> <p>19 jokes?</p> <p>20 A. No.</p> <p>21 Q. Ever make any effort to</p> <p>22 complain to John about any employee in the</p> <p>23 Albany plant?</p>



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22 (Pages 85 to 88)

Page 85	Page 87
<p>1 A. Once. Jeff Johnston.</p> <p>2 Q. That was the time when you</p> <p>3 thought you were getting Mr. Kazalay's</p> <p>4 number from Nat Jones, but you got into</p> <p>5 John's voicemail?</p> <p>6 A. Yes.</p> <p>7 Q. Then John came and met with</p> <p>8 you?</p> <p>9 A. Yes.</p> <p>10 Q. And said that he would have</p> <p>11 Jeff Johnston apologize to you?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Now, when you met</p> <p>14 with John, did you indicate to him that</p> <p>15 you thought your race in any way had</p> <p>16 played a part in the events that led you</p> <p>17 to make that phone call?</p> <p>18 A. I indicated that -- you know,</p> <p>19 why would Jeff not question me and allow</p> <p>20 the two white women to do that.</p> <p>21 Q. Did you tell John in this</p> <p>22 meeting that you thought that the reason</p> <p>23 Mr. Johnston didn't allow you to ask</p>	<p>1 that incident with Mr. Johnston?</p> <p>2 A. No.</p> <p>3 Q. Okay. Make any effort to go</p> <p>4 to George Kazalay?</p> <p>5 A. I did, but I got John in the</p> <p>6 place.</p> <p>7 Q. All right. Other than the</p> <p>8 grievance related to the HE-500 fabric and</p> <p>9 then this incident involving Shirley</p> <p>10 Thornton and Dottie Brown, any other</p> <p>11 complaints of any sort that you tried to</p> <p>12 make concerning Mr. Johnston during your</p> <p>13 employment with Albany?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. Now, given that you</p> <p>16 filed a lawsuit, do you believe</p> <p>17 Mr. Johnston ever took any action against</p> <p>18 you because of your race?</p> <p>19 A. Yes.</p> <p>20 Q. What did he do?</p> <p>21 A. In these incidents he would</p> <p>22 always chastise me.</p> <p>23 Q. What incidents?</p>
Page 86	Page 88
<p>1 questions was because of your race?</p> <p>2 A. I didn't say he didn't allow</p> <p>3 me to ask questions. I wondered why Jeff</p> <p>4 didn't ask me what happened or questioned</p> <p>5 me as to what happened in that incident.</p> <p>6 Just to assume that I was guilty, and just</p> <p>7 ask me not to jump the employees -- his</p> <p>8 employees.</p> <p>9 Q. Did you tell John in this</p> <p>10 meeting that you thought Mr. Johnston had</p> <p>11 taken that action because of your race?</p> <p>12 A. No, I didn't.</p> <p>13 Q. Did you believe Mr. Johnston</p> <p>14 had taken that action because of your</p> <p>15 race?</p> <p>16 A. At the time, I did.</p> <p>17 Q. All right. Other than talking</p> <p>18 to John, you didn't file a grievance under</p> <p>19 the collective bargaining agreement over</p> <p>20 that issue?</p> <p>21 A. No.</p> <p>22 Q. All right. Did you make any</p> <p>23 effort to complain to Mr. Bryant about</p>	<p>1 A. Incidents in the meeting</p> <p>2 room. One morning I went to -- one</p> <p>3 morning I was out of town and Tim Woodward</p> <p>4 decided that I had -- insubordination. I</p> <p>5 got a -- I think I got a certified</p> <p>6 letter. I got a phone call saying that I</p> <p>7 was to meet in his office.</p> <p>8 Q. Whose office?</p> <p>9 A. Jeff Johnston -- it wasn't his</p> <p>10 office. It was the supervisor's office.</p> <p>11 And -- the next morning. And the next</p> <p>12 morning, when I tried to explain myself,</p> <p>13 he just told me that I was given three</p> <p>14 days off.</p> <p>15 Q. When did this three-day</p> <p>16 suspension occur?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember what</p> <p>19 Mr. Johnston's job was at the time?</p> <p>20 A. Department manager. I believe</p> <p>21 it was department manager.</p> <p>22 Q. Who sent you a certified</p> <p>23 letter?</p>



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23 (Pages 89 to 92)

Page 89	Page 91
<p>1 A. Albany International,  2 Montgomery plant.  3 Q. What did it say?  4 A. It -- wait. I don't remember  5 exactly what it said. But it was telling  6 me that because of disciplinary action, I  7 would have to be -- take three days off.  8 I would have to be off three days.  9 Q. What were you disciplined for?  10 A. I was getting off -- I was  11 fixing to get off. I was on my way out  12 the door. Tim Woodward, who was the  13 supervisor, he just ran up to me and he  14 said, "Dora, sign this ticket." I said,  15 "Okay, Tim, I have already signed the  16 ticket." He said, "Put on the ticket no  17 holes, no damage." I said, "Tim, I can't  18 do that. I can't say there is no holes  19 and no damage in that fabric." He said,  20 "But I need you to sign the ticket." I  21 said, "Tim, I can't sign the ticket,  22 because I can't say there is no holes and  23 no damage on that fabric."</p>	<p>1 Q. All right. During your  2 meeting with Mr. Johnston, did he make any  3 reference to your race?  4 A. No, he didn't.  5 Q. Did he tell you that you were  6 being disciplined for insubordination  7 because of your race?  8 A. No, he didn't.  9 Q. Did you ask him if you were  10 being disciplined for insubordination  11 because of your race?  12 A. No.  13 Q. Did you believe that you were  14 being disciplined because of your race?  15 A. Yes.  16 Q. Did you make any effort to go  17 see Mr. Bryant after you were disciplined  18 and complain to him that you thought you  19 were being treated differently because of  20 your race?  21 A. No.  22 Q. Did you make any effort to go  23 complain to Mr. Kazalay about this</p>
Page 90	Page 92
<p>1 And I didn't sign the ticket,  2 and that was insubordination. So that's  3 what I was told, it was insubordination,  4 and I was reprimanded for that.  5 Q. So you were reprimanded for  6 not signing a ticket that Tim Woodward  7 asked you to sign?  8 A. Yes.  9 Q. During your conversation with  10 Mr. Woodward about this ticket, did he  11 make any reference to your race?  12 A. No.  13 Q. Did he tell you that he was  14 asking you to sign it because you are  15 black?  16 A. No.  17 Q. Do you know who made the  18 decision to discipline you for  19 insubordination?  20 A. Jeff Johnston.  21 Q. How do you know that?  22 A. Because he was the one who I  23 had to go to and see.</p>	<p>1 discipline?  2 A. No.  3 Q. Did you file a grievance?  4 A. No -- oh, yes. A grievance  5 was filed about that insubordination.  6 Q. And what was the outcome of  7 the grievance?  8 A. You know, I don't remember  9 that either.  10 Q. Do you remember who your union  11 representative was for the grievance?  12 A. I think it was Dot Collins.  13 Q. Do you remember how many steps  14 in the grievance process you went through?  15 A. I don't remember.  16 Q. Do you remember what year this  17 occurred?  18 A. No.  19 Q. Was it in the 1990s?  20 A. It was in the 2000s. Probably  21 2000.  22 Q. You think it was around 2000?  23 A. Yes.</p>

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24 (Pages 93 to 96)

Page 93	Page 95
<p>1 Q. And following the three-day  2 suspension, did you return to your job in  3 the seaming department?  4 A. Yes.  5 Q. Do you know of anyone else in  6 the Montgomery plant who has ever been  7 disciplined for insubordination?  8 A. No.  9 Q. Now, we got on that topic  10 because I asked you what it is you believe  11 Mr. Johnston had done towards you because  12 of your race. You told me about this  13 three-day suspension involving  14 Mr. Woodward, and then you mentioned that  15 he would chastise you. But I want to make  16 sure that I get from you a complete list  17 of everything that you claim Mr. Johnston  18 did to you because of your race.  19 So we have got the three-day  20 suspension. Just give me a list of  21 anything else that you claim Mr. Johnston  22 did to you because of your race.  23 A. He didn't allow me to -- he</p>	<p>1 you that you can't read a magazine in his  2 meetings as the events where you allege  3 Mr. Johnston treated you differently  4 because of your race.  5 A. Yes.  6 Q. Are there any other actions by  7 Mr. Johnston during your employment with  8 Albany that you believe were motivated by  9 your race?  10 A. I don't remember.  11 Q. Is there anything that I can  12 do to refresh your memory so I can get a  13 complete list from you today?  14 A. I don't know.  15 Q. We have talked about the  16 three-day suspension. What projects did  17 he not allow you to participate in?  18 A. I used to be a lead, and they  19 just stopped -- I wasn't allowed to be a  20 lead anymore. Assistant lead. Maybe I  21 should say assistant lead.  22 Q. When were you an assistant  23 lead?</p>
Page 94	Page 96
<p>1 didn't allow me to, you know, just -- just  2 partake in like projects. During the time  3 that we was in this meeting and we had a  4 magazine -- the girl was reading a  5 magazine -- she was white -- Dottie.  6 And as soon as I touched the  7 magazine, he told me, "You can't read a  8 magazine in my meeting." But I wasn't  9 reading a magazine.  10 Q. Anything else?  11 A. I don't remember anything  12 else. Not right now, anyway.  13 Q. Well, did you keep a list  14 anywhere of actions by Mr. Johnston that  15 you believe occurred because of your race?  16 A. No, I didn't.  17 Q. Did you keep a diary while you  18 worked with Albany?  19 A. No, I didn't.  20 Q. Okay. As you sit here today  21 you have been able to identify a three-day  22 suspension, Mr. Johnston did not allow you  23 to partake in some projects, and he told</p>	<p>1 A. I don't remember.  2 Q. Were you an assistant lead in  3 the seaming department?  4 A. In the seaming department.  5 Q. Who was your supervisor at the  6 time you were an assistant lead?  7 A. I believe it was Tim  8 Woodward. It started out with Nat Jones  9 and finished up with Tim Woodward, I  10 believe.  11 Q. How did you become an  12 assistant lead in the seaming department?  13 A. I was asked. I don't remember  14 who I was asked by. I was asked to  15 assist.  16 Q. Somebody asked you to become  17 assistant lead, but you don't recall who?  18 A. I don't remember who.  19 Q. Okay. How long did you serve  20 as an assistant lead in the seaming  21 department?  22 A. I don't remember that either.  23 Q. Why did you stop being an</p>

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25 (Pages 97 to 100)

Page 97	Page 99
<p>1 assistant lead in the seaming department?</p> <p>2 A. I was just told I couldn't be</p> <p>3 a lead anymore.</p> <p>4 Q. Who told you that you could</p> <p>5 not be an assistant lead in the seaming</p> <p>6 department anymore?</p> <p>7 A. Tim Woodward.</p> <p>8 Q. Did Mr. Woodward tell you why</p> <p>9 you were no longer going to be assistant</p> <p>10 lead in the seaming department?</p> <p>11 A. No.</p> <p>12 Q. Did you ask Mr. Woodward why</p> <p>13 you were no longer going to be assistant</p> <p>14 lead in the seaming department?</p> <p>15 A. I asked him what happened. He</p> <p>16 said, "We cut it out."</p> <p>17 Q. He told you that the company</p> <p>18 cut out the assistant lead position?</p> <p>19 A. Yes.</p> <p>20 Q. Were there any other assistant</p> <p>21 leads at the --</p> <p>22 A. Yes.</p> <p>23 Q. Let me finish my question.</p>	<p>1 every three weeks?</p> <p>2 A. Yes.</p> <p>3 Q. So you would be on first shift</p> <p>4 for a period of time and then you would</p> <p>5 rotate either to second or to third. I'm</p> <p>6 not sure which way the rotation went.</p> <p>7 A. First to midnight, midnight to</p> <p>8 second.</p> <p>9 Q. You would rotate between --</p> <p>10 among all three shifts?</p> <p>11 A. Yes.</p> <p>12 Q. And nobody just had day shift,</p> <p>13 at least, not normally?</p> <p>14 A. Not in that department.</p> <p>15 Q. All right. And Hazel Johnson,</p> <p>16 who was the other assistant lead, do you</p> <p>17 know -- she was on a different group from</p> <p>18 you?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Now, Mr. Woodward,</p> <p>21 as I understand it, told you that the</p> <p>22 company cut out the assistant lead</p> <p>23 position.</p>
Page 98	Page 100
<p>1 Were there any other assistant</p> <p>2 leads at the same time that you were</p> <p>3 assistant lead?</p> <p>4 A. Yes.</p> <p>5 Q. In the seaming department?</p> <p>6 A. Yes.</p> <p>7 Q. How many?</p> <p>8 A. I know one. One. I believe</p> <p>9 one.</p> <p>10 Q. Who was that?</p> <p>11 A. Hazel Johnson.</p> <p>12 Q. At the time you stopped being</p> <p>13 an assistant lead, did Ms. Johnson also</p> <p>14 stop being assistant lead?</p> <p>15 A. No.</p> <p>16 Q. Was she on your shift?</p> <p>17 A. No.</p> <p>18 Q. What shift were you on at the</p> <p>19 time you were an assistant lead?</p> <p>20 A. We rotated, so -- it varies.</p> <p>21 Q. Well, you were -- you worked</p> <p>22 with a particular group of employees in</p> <p>23 seaming, and your group rotated -- was it</p>	<p>1 A. Yes.</p> <p>2 Q. But you don't remember when</p> <p>3 that occurred?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you know who made the</p> <p>6 decision to eliminate your job as an</p> <p>7 assistant lead?</p> <p>8 A. No.</p> <p>9 Q. Do you believe your position</p> <p>10 as an assistant lead was eliminated</p> <p>11 because of your race?</p> <p>12 A. Because of me.</p> <p>13 Q. It was eliminated because of</p> <p>14 you?</p> <p>15 A. Me, the person.</p> <p>16 Q. You don't believe that the</p> <p>17 assistant lead position was eliminated</p> <p>18 because you were black?</p> <p>19 A. I believe that it played a</p> <p>20 role.</p> <p>21 Q. All right. How so?</p> <p>22 A. Because I have been harassed</p> <p>23 throughout the department since the time</p>

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26 (Pages 101 to 104)

Page 101	Page 103
<p>1 Jeff Johnston became my supervisor.</p> <p>2 Q. You have been harassed in the</p> <p>3 seaming department?</p> <p>4 A. I was harassed from Jeff</p> <p>5 Johnston ever since he has been in that</p> <p>6 department.</p> <p>7 Q. What about prior to</p> <p>8 Mr. Johnston; any harassment prior to</p> <p>9 Mr. Johnston getting in the department?</p> <p>10 A. I had problems with Jewel.</p> <p>11 Jewel harassed me, too.</p> <p>12 Q. With Jewel?</p> <p>13 A. Jewel Johnson.</p> <p>14 Q. Jewel Johnson. Other than</p> <p>15 Jewel Johnson and Jeff Johnston, anybody</p> <p>16 else at Albany that you believe has</p> <p>17 harassed you in any way?</p> <p>18 A. As far as jeopardizing my job,</p> <p>19 they are the only two.</p> <p>20 Q. I'm asking in any way ,</p> <p>21 whether it jeopardized your job or not.</p> <p>22 A. We had other people that made</p> <p>23 racial slurs.</p>	<p>1 Ms. Johnson telling you to go to the back</p> <p>2 of the line somewhere in 1979, 1980, did</p> <p>3 Ms. Johnson ever make any other racial</p> <p>4 slurs in your presence?</p> <p>5 A. I don't remember.</p> <p>6 Q. Other than Ms. Johnson and</p> <p>7 this telling you to go to the back of the</p> <p>8 line, list for me every other Albany</p> <p>9 employee that you allege made a racial</p> <p>10 slur.</p> <p>11 A. When I first went to the</p> <p>12 weaver, it was like Jimmy Dix. I heard</p> <p>13 them talking about hanging Tony Harris.</p> <p>14 Taking him down the road and hanging him.</p> <p>15 I heard about nooks, whatever you call</p> <p>16 it -- noose.</p> <p>17 Q. Who else?</p> <p>18 A. Sometimes it would be a room</p> <p>19 full of them, and I would just -- when</p> <p>20 they make their jokes, being a woman, I</p> <p>21 would walk out. I would just leave and go</p> <p>22 some place else and leave my lunch. It</p> <p>23 was usually like a lunch break.</p>
Page 102	Page 104
<p>1 Q. You are not accusing -- are</p> <p>2 you accusing Mr. Johnston of making any</p> <p>3 racial slurs?</p> <p>4 A. No.</p> <p>5 Q. Are you accusing Jewel Johnson</p> <p>6 of making any racial slurs?</p> <p>7 A. Well, I heard her.</p> <p>8 Q. What did you hear her say?</p> <p>9 A. She told me to go to the back</p> <p>10 of the line. I should have been in the</p> <p>11 back of the line.</p> <p>12 Q. When did Jewel Johnson tell</p> <p>13 you that you should have been in the back</p> <p>14 of the line?</p> <p>15 A. That's been -- it was a long</p> <p>16 time. Like when I first went to work at</p> <p>17 Albany.</p> <p>18 Q. 1979, 1980?</p> <p>19 A. Between 1979 and '80,</p> <p>20 something like that. It was during that</p> <p>21 time. But I was in the seaming</p> <p>22 department.</p> <p>23 Q. All right. Other than</p>	<p>1 Q. I want names of the people</p> <p>2 that you heard make racial slurs.</p> <p>3 A. I can't remember all of the</p> <p>4 peoples, but it would be a shift. I don't</p> <p>5 remember the names. But I remember Jimmy</p> <p>6 Dix in particular.</p> <p>7 Q. All right. So you claim to</p> <p>8 have heard Jimmy Dix say he was going to</p> <p>9 take Tony Harris down the road and hang</p> <p>10 him?</p> <p>11 A. Yes.</p> <p>12 Q. That happened right after you</p> <p>13 moved to the weave room?</p> <p>14 A. I was working in the weaving</p> <p>15 department. I don't know whether it was</p> <p>16 right after I was hired or later, but I</p> <p>17 was working in the weaving department.</p> <p>18 Q. As I understand it, the only</p> <p>19 time that you worked in the weaving</p> <p>20 department would have been as a worker bee</p> <p>21 when you were first hired.</p> <p>22 A. Yes.</p> <p>23 Q. When in 1979 were you hired?</p>

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27 (Pages 105 to 108)

Page 105	Page 107
<p>1 A. I was hired in March the 12th,  2 1979.  3 Q. You moved to the seaming  4 department somewhere by September or  5 October of 1980. You told me you were --  6 A. About a year and a half in the  7 seaming department.  8 Q. So you would have been a  9 worker bee when you heard Jimmy Dix make  10 this comment about Tony Harris?  11 A. Yes.  12 Q. Was Jeff Johnston working in  13 the plant at the time?  14 A. No.  15 Q. Did you go report that to  16 anybody at the company?  17 A. No.  18 Q. Other than Jewel Johnson  19 telling you to go back to the back of the  20 line, and Jimmy Dix making this comment  21 about Tony Harris, can you name any other  22 employee of Albany International that you  23 have ever heard make a racial slur in the</p>	<p>1 A. I don't remember.  2 Q. Okay. I tell you what.  3 Exhibit 5 earlier was the training record  4 that you identified your signature. It  5 looks like from this document that you  6 went through your training with Dana  7 Champagne on January the 10th, 2001,  8 correct?  9 A. Yes.  10 Q. Okay. After this training  11 session on January the 10th, 2001, can you  12 name any Albany International employee you  13 heard make a racial slur?  14 A. I can't name one, because I  15 don't remember. But when I hear things, I  16 walk away.  17 Q. All right.  18 A. I don't -- I don't sit in the  19 midst or stay in the midst.  20 Q. After this training session on  21 January the 10th, 2001, can you identify  22 for me any slur -- racial slur you heard  23 made in the Montgomery plant?</p>
Page 106	Page 108
<p>1 plant?  2 A. I don't remember anymore.  3 Q. Okay. Do you have a list of  4 names anywhere?  5 A. No.  6 Q. All right. Even if you can't  7 tell me who said it, are there other  8 racial slurs that you believe you have  9 heard in the plant?  10 A. I have heard other racial  11 slurs. I have heard other racial slurs.  12 I have heard them.  13 Q. Tell me what you heard.  14 A. I won't quote what I heard. I  15 don't -- I can't quote what I have heard,  16 but I have heard racial slurs.  17 Q. When?  18 A. It was -- been down -- really,  19 down through the years of my employment.  20 Q. 2003, your last -- the last  21 year which you worked with the company,  22 did you hear anybody in 2003 make a racial  23 slur at Albany International?</p>	<p>1 A. No, I can't identify it.  2 Q. Are you alleging in this  3 lawsuit that after this training on  4 January the 10th, 2001, any racial slurs  5 were made in your presence in the  6 Montgomery plant?  7 A. Yes.  8 Q. By whom?  9 A. Different people, but I don't  10 remember. I just told you, I don't sit up  11 -- I don't sit in the midst.  12 Q. Okay. Did any of these racial  13 slurs that you heard in the Montgomery  14 plant have any impact on your ability to  15 do your job at Albany?  16 A. I didn't like it, you know,  17 no.  18 Q. You didn't like it, but none  19 of these slurs had any effect on your  20 ability to do your job?  21 A. No.  22 Q. All right. Did you go to Ted  23 Bryant in Human Resources and complain</p>



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<p>1 about any of these slurs that you heard in  2 the plant?  3 A. No.  4 Q. Did you go to George Kazalay  5 and report any of these slurs?  6 A. No.  7 Q. All right. And as you sit  8 here today, you cannot describe for me a  9 single slur that you heard between January  10 the 10th, 2001, and the end of your  11 employment with Albany in October of 2003?  12 A. I remember racial slurs, and I  13 cannot tell you.  14 Q. You can't tell me what they  15 were or who said them?  16 A. What they were -- I know of a  17 couple of people, but I can't tell you  18 what they were or remember them.  19 Q. Who were the couple of  20 people? Are you referring to Jewel  21 Johnson and Jimmy Dix?  22 A. I remember Dottie Brown. I  23 remember Shirley Howard.</p>	<p>1 A. Second time.  2 Q. Second time. All right. And  3 did you say what Ms. Brown's job was at  4 the time?  5 A. Seaming.  6 Q. Do you remember who your  7 supervisor was in seaming at the time?  8 A. I don't remember whether it  9 was Nat Jones or -- I don't know. I don't  10 remember. Nat Jones possibly.  11 Q. All right. Did you go to  12 Mr. Bryant or anyone in Human Resources at  13 Albany to report this slur that you claim  14 you heard Ms. Brown make?  15 A. No.  16 Q. Why not?  17 A. I walk away from things like  18 that.  19 Q. Did you go to George Kazalay  20 and report what you believe you heard  21 Ms. Brown say?  22 A. No.  23 Q. This comment that Ms. Brown</p>
Page 110	Page 112
<p>1 Q. Anybody else?  2 A. No.  3 Q. All right. What do you  4 remember about Dottie Brown?  5 A. I don't remember exact -- I  6 just don't remember. But I remember  7 slurs -- racial slurs. I don't remember  8 what was said or how it was said.  9 Q. Are you claiming that Dottie  10 Brown made some racial slur?  11 A. Dottie Brown, Shirley Howard.  12 Q. When did you hear Dottie Brown  13 make a racial slur?  14 A. I can't remember that. I  15 don't know that. I don't remember that  16 date or that hour.  17 Q. What --  18 A. I don't remember that.  19 Q. What job did you have when you  20 heard Ms. Brown make a racial slur?  21 A. Seaming.  22 Q. Your first time in the seaming  23 department?</p>	<p>1 said, did it in any way impact your  2 ability to do your job at Albany?  3 A. No.  4 Q. Did it affect your life in any  5 way?  6 A. It was an insult,  7 humiliating. I was humiliated.  8 Q. Did you go see a doctor about  9 it?  10 A. No.  11 Q. What did Shirley Howard say?  12 A. I don't remember.  13 Q. When did Shirley Howard say  14 it?  15 A. During the time we were  16 together. I don't remember that time  17 either.  18 Q. Do you remember who your  19 supervisor was?  20 A. Probably Nat Jones.  21 Q. All right. You don't remember  22 what Ms. Howard said, you don't remember  23 when she said it, but you think it was</p>



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29 (Pages 113 to 116)

Page 113	Page 115
<p>1 somehow racial?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Was Ms. Howard's</p> <p>4 comment before or after this training</p> <p>5 meeting with Ms. Champagne?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. Before or after your</p> <p>8 August the 19th, 1998, training session on</p> <p>9 the harassment policy?</p> <p>10 A. After.</p> <p>11 Q. You think it was after 1998?</p> <p>12 A. 1998 -- I don't remember the</p> <p>13 dates.</p> <p>14 Q. If you don't know, don't</p> <p>15 guess. Just say, "I don't know."</p> <p>16 A. I don't know.</p> <p>17 Q. All right. Did you make any</p> <p>18 effort to contact anyone in Human</p> <p>19 Resources at Albany to report what you</p> <p>20 allege Ms. Howard said?</p> <p>21 A. No.</p> <p>22 Q. Did you make any effort to</p> <p>23 contact George Kazalay?</p>	<p>1 steward about what you heard any of these</p> <p>2 four individuals say?</p> <p>3 A. No.</p> <p>4 Q. All right. I think we kind of</p> <p>5 got side tracked. We were trying to get</p> <p>6 from you a list of everything that you</p> <p>7 allege Jeff Johnston did to you because of</p> <p>8 your race. And we talked about a</p> <p>9 three-day suspension earlier, and you</p> <p>10 mentioned that he did not allow you to</p> <p>11 participate in projects, he told you that</p> <p>12 you couldn't read a magazine in a</p> <p>13 meeting.</p> <p>14 All right. Let's talk about</p> <p>15 the projects. What specific projects did</p> <p>16 Mr. Johnston not allow you to participate</p> <p>17 in?</p> <p>18 A. That was the only one. I</p> <p>19 think that was the only one.</p> <p>20 Q. Which one was the only one?</p> <p>21 A. When I --</p> <p>22 Q. Being the assistant lead?</p> <p>23 A. Assistant lead. Once I was</p>
Page 114	Page 116
<p>1 A. No.</p> <p>2 Q. At any point during your</p> <p>3 employment with Albany, did you make any</p> <p>4 effort to report to Human Resources any</p> <p>5 racial slur that you ever heard in the</p> <p>6 plant?</p> <p>7 A. No.</p> <p>8 Q. All right. Did you make any</p> <p>9 effort to report any such slurs to George</p> <p>10 Kazalay?</p> <p>11 A. No.</p> <p>12 Q. Okay. Other than Jewel</p> <p>13 Johnson, Jimmy Dix, Dottie Brown, and</p> <p>14 Shirley Howard, can you name any other</p> <p>15 Albany International employee that you</p> <p>16 have some recollection of ever having</p> <p>17 heard make a racial slur in the Montgomery</p> <p>18 plant?</p> <p>19 A. I don't remember.</p> <p>20 Q. Okay. Have you ever worked</p> <p>21 for Albany anywhere other than Montgomery?</p> <p>22 A. No.</p> <p>23 Q. Okay. Did you go to your shop</p>	<p>1 asked to -- once I was asked to go on day</p> <p>2 shift to train other employees, to work on</p> <p>3 the H-500, M-3000 -- the H-500, that was</p> <p>4 the fabric. He didn't tell me this, but I</p> <p>5 was told that he said, "Over his dead</p> <p>6 body."</p> <p>7 Q. Well, did somebody offer you</p> <p>8 the job of moving to first shift to train</p> <p>9 anybody?</p> <p>10 A. Ken Thunderbird came up to me</p> <p>11 and asked me to go -- if he went to George</p> <p>12 Kazalay and asked George Kazalay if I</p> <p>13 could go to day shift to work and train</p> <p>14 the other employees to run that fabric,</p> <p>15 would I. I said if he -- if he says this</p> <p>16 is okay.</p> <p>17 So after that I never heard</p> <p>18 anything from Ken Thunderbird. One of the</p> <p>19 employees was telling me he -- he came to</p> <p>20 me and he said, "They really need you on</p> <p>21 day shift so we can move" -- he was a</p> <p>22 tech. And he asked me, you know. And he</p> <p>23 told me the reason that I wasn't doing it</p>

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30 (Pages 117 to 120)

Page 117	Page 119
<p>1 was because Jeff didn't want me to.</p> <p>2 Q. Who was -- is it Ken</p> <p>3 Funderburk?</p> <p>4 A. Thunderbird. Thunderbird. I</p> <p>5 don't know.</p> <p>6 Q. Just for ease of reference,</p> <p>7 you said Ken asked you if he got George</p> <p>8 Kazalay's permission, would you move to</p> <p>9 first shift to train?</p> <p>10 A. Yes.</p> <p>11 Q. When did that conversation</p> <p>12 occur?</p> <p>13 A. It had to be two -- between</p> <p>14 2001, 2003, something like that.</p> <p>15 Q. Well, was it before or after</p> <p>16 your injury in 2001?</p> <p>17 A. I don't know. But it was</p> <p>18 between that time. It was in -- during</p> <p>19 that time.</p> <p>20 Q. Was anybody else present for</p> <p>21 this conversation with Ken where he asked</p> <p>22 you about moving to first shift to train?</p> <p>23 A. Yes.</p>	<p>1 A. Because afterwards, Lomack and</p> <p>2 I was talking, I asked Lomack -- I said,</p> <p>3 "I never did hear." He said, "Well, I put</p> <p>4 it" -- he said, "Tee, they ain't going to</p> <p>5 give you that job. Jeff said it was over</p> <p>6 his dead body."</p> <p>7 Q. When did this conversation</p> <p>8 with Mr. Bean occur?</p> <p>9 A. Maybe about two weeks after</p> <p>10 Mr. Thunderbird had asked him to do this?</p> <p>11 Q. Did you ever go to George</p> <p>12 Kazalay and ask him about the training</p> <p>13 job?</p> <p>14 A. No.</p> <p>15 Q. In this conversation with</p> <p>16 Mr. Bean, where he told you that Jeff</p> <p>17 Johnston made some comment about you</p> <p>18 getting the training job over his dead</p> <p>19 body, was anybody else present?</p> <p>20 A. No.</p> <p>21 Q. Did Mr. Bean tell you that he</p> <p>22 understood Jeff Johnston was blocking you</p> <p>23 from that job because of your race?</p>
Page 118	Page 120
<p>1 Q. Who?</p> <p>2 A. Lomack Bean.</p> <p>3 Q. And who was Mr. Bean?</p> <p>4 A. He was our technician.</p> <p>5 Q. Do you believe that Ken ever</p> <p>6 took any action against you because of</p> <p>7 your race?</p> <p>8 A. No.</p> <p>9 Q. Did you ever hear Ken make any</p> <p>10 racial comments at work?</p> <p>11 A. No.</p> <p>12 Q. Ever hear Ken make any racial</p> <p>13 slurs?</p> <p>14 A. No.</p> <p>15 Q. Now, if I understood your</p> <p>16 testimony correctly, after Ken asked you</p> <p>17 if you would move, that's the last you</p> <p>18 heard about it from him?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever approach Ken and</p> <p>21 ask him what about that training job?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p>	<p>1 A. No, he didn't.</p> <p>2 Q. Did he give any reason why</p> <p>3 Mr. Johnston would be blocking you from</p> <p>4 that job?</p> <p>5 A. No.</p> <p>6 Q. Did he tell you that he had</p> <p>7 heard Mr. Johnston say that?</p> <p>8 A. He didn't tell me that he</p> <p>9 heard him. He just said, "Jeff said that</p> <p>10 he was not going to give you the job." It</p> <p>11 would be over his dead body before you get</p> <p>12 this job, something to that effect.</p> <p>13 Q. All right. Were you going to</p> <p>14 get paid more money to move to first shift</p> <p>15 and train?</p> <p>16 A. No.</p> <p>17 Q. Was it going to change your</p> <p>18 seniority in the plant in any way?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you know if anybody</p> <p>21 actually got the training job?</p> <p>22 A. No.</p> <p>23 Q. So nobody ever filled the job?</p>

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31 (Pages 121 to 124)

Page 121	Page 123
<p>1 A. It wasn't posted. He came to  2 me personally, because I had worked the  3 M-3000. And he thought I had did a good  4 job, so he asked me.  5 Q. So there was never a posting  6 for a trainer job?  7 A. No.  8 Q. Okay. So you didn't apply  9 and, to your knowledge, nobody ever got  10 that position?  11 A. No.  12 Q. Did you go to Mr. Johnston and  13 ask him if he was stopping you from  14 getting that job?  15 A. No.  16 Q. The assistant lead and the  17 training positions, are those the only  18 projects that you think Mr. Johnston  19 denied you involvement in?  20 A. Yes.  21 Q. When did this meeting with the  22 magazine occur?  23 A. I don't know exactly when.</p>	<p>1 else was on the shift.  2 Q. What was this meeting about?  3 A. I don't remember.  4 Q. Was it work related?  5 A. Yes.  6 Q. And what was the magazine that  7 Dottie Brown was reading?  8 A. I don't remember that. It was  9 just a pamphlet.  10 Q. It was a pamphlet?  11 A. It was something like a  12 pamphlet. We would -- we would bring  13 magazines, pamphlets, in like, and we  14 would, you know, look at them on our break  15 or somewhat. And she just had a pamphlet  16 reading it -- looking through the  17 pamphlet. I said, "Let me see that." She  18 slid it over.  19 When she slid the pamphlet  20 over, he just abruptly said, "Dora, I will  21 not have you looking at a magazine in my  22 meeting."  23 Q. Had the meeting already</p>
Page 122	Page 124
<p>1 Q. Who was reading the magazine  2 in the meeting?  3 A. Dottie Brown.  4 Q. Dottie Brown. What was  5 Ms. Brown's job at the time?  6 A. Nap seamer.  7 Q. Was she a union steward?  8 A. No.  9 Q. Okay. And what was this  10 meeting?  11 A. I don't remember.  12 Q. And what was Mr. Johnston's  13 job at the time?  14 A. I believe he was department  15 manager. I believe. I don't know.  16 Q. Besides Mr. Johnston, Dottie  17 Brown, and yourself, who else was present  18 for this meeting?  19 A. I remember Katherine Davis,  20 Mamie Long -- who else -- I believe Susan  21 Snead.  22 Q. Susan who?  23 A. Snead. I don't remember who</p>	<p>1 started?  2 A. Yes.  3 Q. So Dottie Brown was looking at  4 this pamphlet during the meeting?  5 A. Yes.  6 Q. But you don't remember what  7 Mr. Johnston had -- had called the meeting  8 for?  9 A. I don't remember.  10 Q. Any other supervisors in the  11 meeting besides Mr. Johnston?  12 A. I don't think so.  13 Q. So your shift supervisor  14 wasn't present?  15 A. I don't remember.  16 Q. All right. Anybody else in  17 this meeting reading any magazines?  18 A. I don't remember.  19 Q. At the time Ms. Brown started  20 reading it, had the meeting started?  21 A. Yes.  22 Q. Did Mr. Johnston tell you that  23 you couldn't read the meeting -- read the</p>

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32 (Pages 125 to 128)

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<p>1 magazine because of your race?</p> <p>2 A. No.</p> <p>3 Q. Did he make any references</p> <p>4 during this meeting to yours or anyone</p> <p>5 else's race?</p> <p>6 A. No.</p> <p>7 Q. Did Jeff Johnston make any</p> <p>8 racial slurs in this meeting?</p> <p>9 A. No.</p> <p>10 Q. Did he tell any racial jokes</p> <p>11 in this meeting?</p> <p>12 A. No.</p> <p>13 Q. Did you report Mr. Johnston's</p> <p>14 conduct during this meeting to anyone in</p> <p>15 Human Resources?</p> <p>16 A. No, I don't think so. No.</p> <p>17 Q. Did you make any effort to</p> <p>18 report this incident to George Kazalay?</p> <p>19 A. No.</p> <p>20 Q. Did you think Mr. Johnston in</p> <p>21 this meeting told you not to read the</p> <p>22 magazine because of your race?</p> <p>23 A. Yes.</p>	<p>1 A. I believe he was the</p> <p>2 department manager at the time.</p> <p>3 Q. All right. Other than the</p> <p>4 three-day suspension, the assistant lead,</p> <p>5 the training project, and this incident</p> <p>6 with the meeting, any other instances that</p> <p>7 you can point me to where you think</p> <p>8 somehow Mr. Johnston treated you</p> <p>9 differently than other employees because</p> <p>10 of your race?</p> <p>11 A. Because of my race, no.</p> <p>12 Q. Okay. Any other action by</p> <p>13 Mr. Johnston at any point while you worked</p> <p>14 for the company that you believe was in</p> <p>15 any way influenced by your race?</p> <p>16 A. No.</p> <p>17 Q. At any point, while you worked</p> <p>18 for Albany, did you ever submit an</p> <p>19 application for <u>disability insurance</u></p> <p>20 <u>benefits</u>?</p> <p>21 A. Yes.</p> <p>22 Q. When?</p> <p>23 A. I don't remember the dates,</p>
Page 126	Page 128
<p>1 Q. Why do you believe that he</p> <p>2 didn't want you reading the magazine</p> <p>3 because of your race?</p> <p>4 A. I don't know why.</p> <p>5 Q. Did you ask Mr. Johnston if</p> <p>6 that was the reason he told you not to</p> <p>7 read the magazine?</p> <p>8 A. No.</p> <p>9 Q. Has anybody at Albany ever</p> <p>10 told you that the reason Mr. Johnston told</p> <p>11 you not to read it is because of your</p> <p>12 race?</p> <p>13 A. No.</p> <p>14 Q. So why do you think that your</p> <p>15 race had anything to do with this magazine</p> <p>16 incident?</p> <p>17 A. Because I was sitting next to</p> <p>18 a white woman. She was reading the</p> <p>19 magazine. It was no problem. As soon as</p> <p>20 I touched it --</p> <p>21 Q. And, as best you recall, this</p> <p>22 occurred when Mr. Johnston was your</p> <p>23 department manager?</p>	<p>1 but I remember the last time.</p> <p>2 Q. When was the last time?</p> <p>3 A. It was approximately --</p> <p>4 probably 2002, 2003. 2002 -- 2001, 2002.</p> <p>5 Q. All right. And to whom did</p> <p>6 the application get sent?</p> <p>7 A. Well, what you do is -- I'm</p> <p>8 going to explain to you what happens in</p> <p>9 situations like that.</p> <p>10 Q. All right. That would be</p> <p>11 great.</p> <p>12 A. Because when you go to a</p> <p>13 doctor and your doctor takes you off the</p> <p>14 job, you get the paperwork from -- her</p> <p>15 name was Linda Jones. I don't remember</p> <p>16 what her position was. And then you take</p> <p>17 these papers to your doctor and your</p> <p>18 doctor fills this paperwork out and you</p> <p>19 bring them back to the company.</p> <p>20 Q. Then what happens?</p> <p>21 A. And that's it. And if you are</p> <p>22 off past, I think, the third day, then</p> <p>23 that's when your benefits will kick in.</p>

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33 (Pages 129 to 132)

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<p>1 Other than that, you have to be off at  2 least three days before you could be paid  3 for your time off.  4 Q. All right. Did Ms. Jones ever  5 refuse to give you any paperwork, if you  6 asked for it, for disability insurance?  7 A. No.  8 Q. In '01, '02, I think you said  9 that you got the paperwork from Linda to  10 take to your doctor.  11 A. Yes.  12 Q. Okay. Your doctor fills out  13 some part of the form?  14 A. Yes.  15 Q. Were you responsible for  16 filling out part of it?  17 A. Yes.  18 Q. And did Linda Jones or  19 somebody else at the company fill out  20 another part of it?  21 A. I believe so.  22 Q. That application, to your  23 knowledge, did it get sent to an insurance</p>	<p>1 doctor.  2 Q. Is that the injury that was  3 later determined to be Workers'  4 Compensation and was treated as a Workers'  5 Comp injury?  6 A. No. There was once I was --  7 what was -- I was being treated -- I was  8 going to the Work Comp doctors. They gave  9 me an injection in my shoulder, and I went  10 to work and I passed out, because I was  11 allergic to steroid. They gave me  12 steroids in his office.  13 And, in turn -- I think this  14 is the same time, I'm not for sure -- the  15 paramedics came and I was taken to my  16 doctor's office. But I believe that this  17 is the -- this is the time -- I can't --  18 it is so many occasions till I don't  19 remember.  20 Q. Okay. Take a look at that for  21 me. I will put a sticker on it.  22 (WHEREUPON, a document was  23 marked as Defendant's Exhibit 6 and is</p>
Page 130	Page 132
<p>1 company?  2 A. Yes.  3 Q. Do you know what insurance  4 company?  5 A. I don't remember.  6 Q. Does Prudential sound right?  7 A. Yes. Prudential. Prudential.  8 Q. Did anybody at Prudential ever  9 contact you concerning any application by  10 you for disability insurance benefits?  11 A. No.  12 Q. Do you know what your doctors  13 said on the application for disability  14 insurance benefits?  15 A. No.  16 Q. Do you know if your doctor  17 indicated on the form that your injury was  18 work related?  19 A. The time that he did, yes, he  20 did indicate it was work related.  21 Q. Were you receiving Workers'  22 Compensation benefits for that injury?  23 A. No. I had to go to my private</p>	<p>1 attached to the original transcript.)  2 Q. Just take a minute and read  3 over that for me.  4 (Pause)  5 Q. Have you had a chance to look  6 over what we have marked as Exhibit 6?  7 A. Yes.  8 Q. Do you recognize it?  9 A. Yes.  10 Q. Who is Jeffrey Mathis?  11 A. That was my doctor.  12 Q. Mr. Mathis was your private  13 doctor?  14 A. Primary care.  15 Q. Okay. And when you have  16 referred a couple of times to your private  17 doctor earlier in your deposition, is  18 Mr. Mathis who you are referring to?  19 A. Yes.  20 Q. All right. Now, it looks like  21 this application was filled out by  22 probably three different people. Just so  23 the -- I can be clear, I'm just going to</p>



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<p>1 go through page by page.</p> <p>2 Is that your handwriting on</p> <p>3 the first page?</p> <p>4 A. No.</p> <p>5 Q. All right. Do you recognize</p> <p>6 the handwriting?</p> <p>7 A. It's not my writing. No. No.</p> <p>8 Q. The second page looks like it</p> <p>9 has the signature on it of Linda Jones.</p> <p>10 A. Okay.</p> <p>11 Q. Based on your experience with</p> <p>12 the application process you have</p> <p>13 described, are these -- the first couple</p> <p>14 of pages, would Ms. Jones have filled</p> <p>15 these out?</p> <p>16 A. Yes.</p> <p>17 Q. Let's look at page three. Is</p> <p>18 this your handwriting?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And on the fourth page,</p> <p>21 where your signature is at the bottom, is</p> <p>22 that also your handwriting?</p> <p>23 A. Yes.</p>	<p>1 page that we are looking at right now</p> <p>2 looks like it says, "To be completed by</p> <p>3 attending physician."</p> <p>4 A. Yes.</p> <p>5 Q. That would have been</p> <p>6 Dr. Mathis?</p> <p>7 A. Yes.</p> <p>8 Q. Is any of the handwriting on</p> <p>9 the bottom of that page or the next page</p> <p>10 yours?</p> <p>11 A. No.</p> <p>12 Q. Look at the last page of what</p> <p>13 we have marked as Exhibit 6. Do you</p> <p>14 recognize Dr. Mathis' signature?</p> <p>15 A. Yes.</p> <p>16 Q. Now, in the middle of the --</p> <p>17 up towards the top there is a reference</p> <p>18 that says, "Work-related illness or</p> <p>19 injury." Do you see that space?</p> <p>20 A. Yes.</p> <p>21 Q. And, to your knowledge, did</p> <p>22 Dr. Mathis complete this on your behalf?</p> <p>23 A. Yes.</p>
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<p>1 Q. Okay. On the fifth page there</p> <p>2 are two signatures on here; both yours?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And turn over to</p> <p>5 the last -- I guess the next page also</p> <p>6 looks like it has your signature in the</p> <p>7 middle of the page.</p> <p>8 A. Yes.</p> <p>9 Q. Is that your handwriting on</p> <p>10 that page?</p> <p>11 A. Yes.</p> <p>12 Q. At least on the -- I'm looking</p> <p>13 at -- there is a stamped number in the</p> <p>14 bottom right corner of two-o-seven, is the</p> <p>15 page number. It looks like this</p> <p>16 (Indicating). That page right there.</p> <p>17 A. Okay.</p> <p>18 Q. Is that your handwriting on</p> <p>19 the top in those blocks?</p> <p>20 A. Yes.</p> <p>21 Q. Is that your signature?</p> <p>22 A. Yes.</p> <p>23 Q. Now, the bottom half of this</p>	<p>1 Q. All right. And he indicated</p> <p>2 that this was a work-related injury?</p> <p>3 A. Yes.</p> <p>4 Q. All right. For workplace</p> <p>5 injuries, do you know what the disability</p> <p>6 policy said? Were you eligible for</p> <p>7 disability insurance if it was a</p> <p>8 work-related injury?</p> <p>9 A. I don't understand.</p> <p>10 Q. Okay. Do you know who made</p> <p>11 the decision about whether you were</p> <p>12 eligible for benefits under the disability</p> <p>13 policy?</p> <p>14 A. No.</p> <p>15 Q. So you don't know who actually</p> <p>16 decided whether you would or would not be</p> <p>17 paid benefits under this policy?</p> <p>18 A. No.</p> <p>19 Q. All right. When you signed up</p> <p>20 for disability insurance with the company,</p> <p>21 did you get any kind of booklet describing</p> <p>22 the short-term and long-term disability</p> <p>23 program of the company?</p>

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<p>1 A. I'm sure I did.</p> <p>2 Q. All right. Did you keep a</p> <p>3 copy of it?</p> <p>4 A. I don't have it now.</p> <p>5 Q. Okay. And during the course</p> <p>6 of your employment with the company, did</p> <p>7 you get any updates to the disability</p> <p>8 policy?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. That is going to be 7</p> <p>11 when I mark it.</p> <p>12 (WHEREUPON, a document was</p> <p>13 marked as Defendant's Exhibit 7 and is</p> <p>14 attached to the original transcript.)</p> <p>15 (Pause)</p> <p>16 Q. Does that look familiar to</p> <p>17 you, what we have marked as Exhibit 7?</p> <p>18 A. No.</p> <p>19 Q. Okay. Now, at the time of</p> <p>20 this document -- do you recall submitting</p> <p>21 this application for disability benefits,</p> <p>22 that is Exhibit 6, to Prudential?</p> <p>23 A. To Linda Jones.</p>	<p>1 something to do with Prudential, the</p> <p>2 insurance company.</p> <p>3 Q. But you don't know who Tim</p> <p>4 Golden was?</p> <p>5 A. No, I don't know him.</p> <p>6 Q. Mr. Golden told you that you</p> <p>7 were paid what?</p> <p>8 A. The -- well, when I was off</p> <p>9 during that time, I received benefits.</p> <p>10 Q. From?</p> <p>11 A. From Prudential.</p> <p>12 Q. For short-term disability?</p> <p>13 A. For that short-term</p> <p>14 disability.</p> <p>15 Q. Did you ever submit an</p> <p>16 application to Prudential for long-term</p> <p>17 disability coverage through your Albany</p> <p>18 plan?</p> <p>19 A. No.</p> <p>20 Q. So you never applied for LTD</p> <p>21 benefits?</p> <p>22 A. No.</p> <p>23 Q. And were you -- you received</p>
Page 138	Page 140
<p>1 Q. Your doctor didn't send this</p> <p>2 to Prudential?</p> <p>3 A. I don't know.</p> <p>4 Q. Is it your understanding that</p> <p>5 this document was actually sent to</p> <p>6 Prudential on your behalf?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And if I have</p> <p>9 asked you this already, I'm sorry. Do you</p> <p>10 recall receiving any communication from</p> <p>11 anybody at Prudential concerning your</p> <p>12 application for disability insurance?</p> <p>13 A. After I had been off and</p> <p>14 received the -- they -- Jeff Johnston, Ted</p> <p>15 Bryant, Donna Smith -- I think that's her</p> <p>16 name -- Bob Hampsey, they called me up</p> <p>17 into the conference room, and I listened</p> <p>18 to a Tim Golden on a telephone. And he</p> <p>19 told me that they paid me, but they would</p> <p>20 consider this job related. That's the</p> <p>21 only thing I heard of it.</p> <p>22 Q. Who is Tim Golden?</p> <p>23 A. I'm -- I assume he had</p>	<p>1 short-term disability payments?</p> <p>2 A. For that, yes.</p> <p>3 Q. Okay. Any other applications</p> <p>4 for short-term disability benefits while</p> <p>5 you worked for the company?</p> <p>6 A. Yes.</p> <p>7 Q. Before or after this one?</p> <p>8 A. It was before.</p> <p>9 Q. Before this one?</p> <p>10 A. Yes.</p> <p>11 Q. Did you receive short-term</p> <p>12 disability benefits then?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Have you ever been</p> <p>15 denied short-term disability benefits when</p> <p>16 you applied for them while you were at</p> <p>17 Albany?</p> <p>18 A. The only time you didn't</p> <p>19 receive benefits is when you didn't have</p> <p>20 three or more days of short-term -- I mean</p> <p>21 short-term disability.</p> <p>22 Q. All right. Is there any</p> <p>23 occasion where you were out for more than</p>

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36 (Pages 141 to 144)

Page 141	Page 143
<p>1 three days that you applied for but were  2 denied short-term disability payments?  3 A. No.  4 Q. Okay. As a member of the  5 bargaining unit at Albany, were there  6 <u>retirement benefits</u> negotiated in the  7 contract?  8 A. I believe so.  9 Q. Okay. Do you recall what they  10 were?  11 A. No.  12 Q. All right. Has anybody at the  13 company denied you your retirement  14 benefits in any way?  15 A. Retirement benefits?  16 Q. Yes, ma'am.  17 A. No.  18 Q. Okay. Do you know what the  19 eligibility criteria were for retirement  20 benefits at Albany?  21 A. I don't know exactly. I know  22 you have to be fifty-five plus amount of  23 service -- years of service -- I mean</p>	<p>1 A. Yes.  2 Q. And why do you believe that  3 you were discharged.  4 A. Because I was told that I  5 couldn't come in the plant to work.  6 Q. I understand that is what you  7 say that you were told. Why do you  8 believe that you were discharged?  9 A. Because I couldn't come to  10 work.  11 Q. Do you believe you were  12 discharged by Albany because you are  13 black?  14 A. No.  15 Q. Do you believe that you were  16 discharged by Albany because of some  17 retirement benefits issue?  18 A. I don't know why I was  19 discharged.  20 Q. Who do you believe discharged  21 you from the company on August the 21st,  22 2003?  23 A. Jeff Johnston.</p>
Page 142	Page 144
<p>1 service years.  2 Q. Right.  3 A. I don't know exactly how it --  4 how it worked.  5 Q. All right. Do you believe  6 anybody at the company has done anything  7 to interfere with your ability to get your  8 retirement benefits from Albany?  9 A. Yes.  10 Q. What did they do?  11 A. I was terminated.  12 Q. Okay. When were you  13 terminated?  14 A. October the 29th.  15 Q. Of 2003?  16 A. Well, let me restate. I  17 believe it was -- I was terminated August  18 the 21st, because that's when I stopped  19 being able to come in the plant -- being  20 able to work. Was told not to come in or  21 when to come in and not to come in.  22 Q. Okay. So you believe that you  23 were discharged August the 21st, 2003?</p>	<p>1 Q. Did Mr. Johnston call you and  2 tell you you were terminated?  3 A. No, he didn't.  4 Q. Did anybody at Albany tell you  5 that you were terminated on August the  6 21st, 2003?  7 A. No.  8 Q. Why do you believe  9 Mr. Johnston terminated you on August the  10 21st, 2003?  11 A. Because he was in control of  12 the activities that went on at the  13 company.  14 Q. Did you participate in any  15 meetings where Mr. Johnston announced that  16 he had decided that you would be  17 discharged on August the 21st, 2003?  18 A. No.  19 Q. Well, why do you -- why do you  20 believe Mr. Johnston terminated you on  21 August the 21st, 2003?  22 A. Mr. Johnston asked me on  23 several occasions was I -- could I</p>

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37 (Pages 145 to 148)

Page 145	Page 147
<p>1 guaranty him whether I could come to work  2 and wouldn't be in pain. And after that,  3 I was not allowed in the building, because  4 I can't -- I couldn't guaranty him that I  5 couldn't be in pain.  6 Q. Well, when did Mr. Johnston  7 ask you -- the dates, please -- of when  8 Mr. Johnston asked you whether you could  9 guaranty him that you could work without  10 pain?  11 A. I don't have the dates, but it  12 was on about three different occasions.  13 Q. What year?  14 A. 2003.  15 Q. All right. And were you under  16 the care of any treating physicians at the  17 time?  18 A. Yes.  19 Q. And who would those doctors  20 have been?  21 A. Dr. Katz, Dr. Wade. They were  22 Workers' Comp doctors. I went to so many.  23 Q. Do you know if Dr. Katz ever</p>	<p>1 Q. All right. And they were  2 treating you?  3 A. I was going to the doctor.  4 Q. Did any doctor ever recommend  5 treatment to you that you declined?  6 A. No. I have never declined  7 treatment.  8 Q. So you never had a doctor  9 recommend a treatment procedure to you  10 that you turned down for any reason?  11 A. I was allergic to pain pills.  12 I also have become allergic to  13 inflammation. So if they wrote me a  14 prescription, or whatever, for the  15 inflammation pill, I would receive them,  16 but they would upset my stomach and they  17 would cause me to start the acid  18 regurgitation. So I could not take the  19 pill. I couldn't take the medication.  20 Q. On August the 21st, 2003, when  21 you say that you were discharged from  22 Albany, were you able to do all of your  23 job functions at Albany?</p>
Page 146	Page 148
<p>1 told the company his medical opinion about  2 your ability to do your job?  3 A. I don't know what Dr. Katz  4 told the company.  5 Q. Do you know if Dr. Wade ever  6 told the company he thought you were  7 physically able to do your job?  8 A. I don't know.  9 Q. Do you know why Mr. Johnston  10 asked you if you could do -- if you could  11 guaranty him that you could do the job  12 without pain?  13 A. Because I had complained --  14 constantly complained of being in pain.  15 Q. Because of your Workers'  16 Compensation injuries?  17 A. Yes.  18 Q. For which you were receiving  19 medical treatment?  20 A. I was going to doctors.  21 Q. Approved Workers' Compensation  22 doctors?  23 A. Yes.</p>	<p>1 A. Not without pain.  2 Q. I didn't ask if you were going  3 to be uncomfortable when you did it. Were  4 you physically able to do the job on  5 August the 21st, 2003?  6 A. Not without pain.  7 Q. Well, I mean, my knees hurt  8 every day, but I go to work. Could you  9 have performed your job duties as a seamer  10 on August the 21st, 2003?  11 A. With medical help and -- I  12 could not do it in pain. I had worked  13 since 1991 in pain. I have been working  14 since 1991 in pain. I was reinjured four  15 or five times after that. And I could not  16 guaranty anyone that I could not work in  17 pain. And, as a matter of fact, the  18 doctors told me that I would be working in  19 pain for the rest of my life.  20 Q. Okay. Who at Albany told you  21 that you were discharged?  22 A. I don't even remember.  23 Q. Did anybody at Albany ever</p>

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38 (Pages 149 to 152)

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<p>1 tell you that you were terminated?</p> <p>2 A. They told me that I couldn't</p> <p>3 come to the building. I couldn't come in,</p> <p>4 I couldn't work.</p> <p>5 Q. And you were told that on</p> <p>6 August the 21st, 2003?</p> <p>7 A. The 21st I was given -- phone</p> <p>8 call, came in -- I was called in on</p> <p>9 occasional meetings, and I was told, "I</p> <p>10 can't allow you in this plant." I was --</p> <p>11 come in one day and my card was pulled. I</p> <p>12 came in one day -- I was supposed to come</p> <p>13 in one night, Jeff Johnston and -- I can't</p> <p>14 think of his name, but he was the</p> <p>15 department head -- they were at the door</p> <p>16 waiting to send me home.</p> <p>17 Q. When was that?</p> <p>18 A. This was during the time</p> <p>19 when -- the three-day suspension.</p> <p>20 Q. You were -- when you were</p> <p>21 suspended for three days, did you try to</p> <p>22 come anyway?</p> <p>23 A. I came to work. I didn't know</p>	<p>1 the 21st, 2003, that you still came in and</p> <p>2 did some work for the company.</p> <p>3 A. They would call me and -- like</p> <p>4 I said, they would allow me -- this was</p> <p>5 the day that I was taken off of my job.</p> <p>6 But from August the 21st till October the</p> <p>7 29th, periodically, I would come in --</p> <p>8 they would call me in -- told me I could</p> <p>9 come in. Then when I had a doctor's</p> <p>10 appointment or I complained, I was sent</p> <p>11 home or I was called at home and I was</p> <p>12 told not to come in.</p> <p>13 Q. When you had a doctor's</p> <p>14 appointment?</p> <p>15 A. I don't know. But it was</p> <p>16 still out -- throughout 2001, 2002, and</p> <p>17 the rest of 2003.</p> <p>18 Q. Well, if you were terminated</p> <p>19 on August the 21st, 2003, why do you think</p> <p>20 anybody would let you come back to work?</p> <p>21 A. Because they were trying to</p> <p>22 get me to get a doctor to say that I was</p> <p>23 medically disabled. They didn't want to</p>
Page 150	Page 152
<p>1 I was suspended.</p> <p>2 Q. When you came to work, you</p> <p>3 were notified that you were suspended?</p> <p>4 A. I was called to the office.</p> <p>5 Q. August the 21st, 2003 --</p> <p>6 strike that. I will start over again.</p> <p>7 Is it your contention in this</p> <p>8 lawsuit that you were terminated by Albany</p> <p>9 International on August the 21st, 2003?</p> <p>10 A. Yes.</p> <p>11 Q. All right. By Jeff Johnston?</p> <p>12 A. Jeff Johnston was the decision</p> <p>13 maker, yes.</p> <p>14 Q. How do you know Mr. Johnston</p> <p>15 was the decision maker?</p> <p>16 A. Because he was the plant</p> <p>17 manager.</p> <p>18 Q. Okay. And who communicated</p> <p>19 the decision to you on August the 21st,</p> <p>20 2003?</p> <p>21 A. Ted Bryant.</p> <p>22 Q. Ted Bryant. Now, I thought</p> <p>23 you told me earlier, though, after August</p>	<p>1 admit that they were -- I was -- there</p> <p>2 were injuries that was causing me the</p> <p>3 pain.</p> <p>4 Q. Who didn't want to admit that?</p> <p>5 A. Jeff Johnston, Ted Bryant -- I</p> <p>6 can't think of the other person's name</p> <p>7 that was the department manager.</p> <p>8 Q. Would that have been Bob</p> <p>9 Hampsey?</p> <p>10 A. Bob Hampsey.</p> <p>11 Q. Any of them -- did</p> <p>12 Mr. Johnston ever tell you that he didn't</p> <p>13 want to admit that you were in pain?</p> <p>14 A. He wanted me to admit that I</p> <p>15 wasn't in pain.</p> <p>16 Q. That wasn't my question. My</p> <p>17 question is: Did Mr. Johnston ever tell</p> <p>18 you that, you know, he would not admit</p> <p>19 that you were in pain?</p> <p>20 A. No, he didn't.</p> <p>21 Q. All right. Did Ted Bryant</p> <p>22 ever tell you that he didn't think that</p> <p>23 you were in pain?</p>



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39 (Pages 153 to 156)

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<p>1 A. No.</p> <p>2 Q. Did Bob Hampsey ever tell you</p> <p>3 that he didn't think you were in pain?</p> <p>4 A. No.</p> <p>5 Q. And throughout this time</p> <p>6 period, August the 21st of 2003, through</p> <p>7 the end of October, 2003, you were being</p> <p>8 treated by both Dr. Katz and Dr. Wade as</p> <p>9 Workers' Compensation doctors?</p> <p>10 A. It was probably some more, but</p> <p>11 I just can't remember their name.</p> <p>12 Q. But you were going to Workers'</p> <p>13 Compensation doctors related to injuries</p> <p>14 that you had suffered --</p> <p>15 A. Injuries?</p> <p>16 Q. -- injuries you had suffered</p> <p>17 at Albany International?</p> <p>18 A. Yes.</p> <p>19 Q. The company was paying those</p> <p>20 -- for those doctors' visits?</p> <p>21 A. Yes.</p> <p>22 Q. <del>I guess I'm still confused.</del></p> <p>23 <del>I'm trying to determine why you believe</del></p>	<p>1 Q. Heath?</p> <p>2 A. Heath. I talked to -- he</p> <p>3 worked in the -- Danny Roland.</p> <p>4 Q. Norma Heath was a shop</p> <p>5 steward?</p> <p>6 A. Yes.</p> <p>7 Q. Was Danny Roland a shop</p> <p>8 steward?</p> <p>9 A. Yes.</p> <p>10 Q. Was Norma Heath the shop</p> <p>11 steward for the seaming department?</p> <p>12 A. Seaming department.</p> <p>13 Q. Danny Roland, was he in the</p> <p>14 weaving department?</p> <p>15 A. No. He was -- he was on the</p> <p>16 dock, but I can't remember what they</p> <p>17 called that area. Finishing.</p> <p>18 Q. Finishing?</p> <p>19 A. No, it wasn't finish. It was</p> <p>20 on the shipping. I believe shipping.</p> <p>21 Q. Tell me about your</p> <p>22 conversations with Ms. Heath as your</p> <p>23 department's union steward.</p>
Page 154	Page 156
<p>1 <del>that you were fired.</del></p> <p>2 A. Because I was. Anytime you</p> <p>3 are dismissed or taken off of a job, what</p> <p>4 do you call that?</p> <p>5 Q. Well, I'm trying to determine</p> <p>6 why you believe -- what you believe</p> <p>7 motivated your release from the company.</p> <p>8 A. I have just said it. I was</p> <p>9 injured. I had neck pain, wrist pain,</p> <p>10 back pain, knee pain, shoulder pain. I</p> <p>11 was constantly having problems to try to</p> <p>12 sit at the machine, to stand, to walk. I</p> <p>13 had my hand in two wrist braces. I would</p> <p>14 have to take my hand out of the brace to</p> <p>15 do some of the work. I was told not to</p> <p>16 take it out. The company had no light</p> <p>17 duty.</p> <p>18 Q. Did you go to talk to your</p> <p>19 union representatives about this at any</p> <p>20 point in this time frame?</p> <p>21 A. Yes.</p> <p>22 Q. Who did you talk to?</p> <p>23 A. I talked to Norma.</p>	<p>1 A. I asked her -- I would ask</p> <p>2 her, you know, "What is it that the Union</p> <p>3 can do about this," that I was being</p> <p>4 railroaded out of my job. And she told me</p> <p>5 that the Union couldn't do anything. It</p> <p>6 was nothing -- the Union didn't take</p> <p>7 anything to do with Workmen's</p> <p>8 Compensation.</p> <p>9 Q. Is it your contention in this</p> <p>10 case that the company was trying to force</p> <p>11 you out of your job because of Workers'</p> <p>12 Compensation injuries?</p> <p>13 A. Yes.</p> <p>14 Q. Is that the only reason that</p> <p>15 you believe that the company was trying to</p> <p>16 force you out of your job?</p> <p>17 A. I don't know.</p> <p>18 Q. Well, in this lawsuit do you</p> <p>19 allege that there is any reason, other</p> <p>20 than your Workers' Compensation injuries,</p> <p>21 that is the basis for the company's</p> <p>22 efforts to push you out?</p> <p>23 A. I know that injuries was the</p>

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40 (Pages 157 to 160)

Page 157	Page 159
<p>1 reason that I was in pain.  2 Q. Did Mr. Johnston ever hit you  3 at work?  4 A. No.  5 Q. Did he ever touch you  6 inappropriately in any way?  7 A. No.  8 Q. Did he ever touch you?  9 A. The job that we did, sometimes  10 you had to brush past or touch or lean if  11 you are checking on a fabric. If he want  12 to check to see what the seam is doing,  13 how the machine is running. The way we  14 worked, he might have. I don't know. But  15 I don't remember, because it is so many  16 touches.  17 Q. But other than in the context  18 of working around the machine, is there  19 any other instance where Mr. Johnston ever  20 touched you at work?  21 A. No.  22 Q. Has Mr. Johnston ever  23 threatened you at work in any way?</p>	<p>1 Q. Were you at work that day?  2 A. No.  3 Q. Who contacted you about the  4 meeting?  5 A. I believe Ted Bryant.  6 Q. And did he tell you what the  7 purpose of the meeting was?  8 A. I don't know. I don't know.  9 Q. You don't recall him saying  10 one way or the other what the purpose of  11 the meeting was?  12 A. I know that he called me and I  13 went to the meeting.  14 Q. Okay. Now, right before this  15 meeting do you recall if you had been to  16 see Jeff Wade in Birmingham?  17 A. Yes, I had been to see Jeff  18 Wade. I had been to see Dr. Wade. I  19 didn't know his name.  20 Q. He is an orthopedic doctor at  21 Brookwood Hospital.  22 A. I think I went to a hospital  23 to his office.</p>
Page 158	Page 160
<p>1 A. He threatened to fire me.  2 Q. I mean, did he ever threaten  3 you physically in any way?  4 A. No.  5 Q. Did he ever do anything to  6 make you afraid that he was going to hurt  7 you physically in some fashion?  8 A. No.  9 Q. Okay. Between August the 21st  10 and October, 2003, any estimate of how  11 many days you might have worked?  12 A. I don't know.  13 Q. Okay. Now, do you recall  14 having a meeting October the 29th, 2003,  15 at the Montgomery facility?  16 A. Yes.  17 Q. Who was present for this  18 meeting?  19 A. Ted Bryant, Jeff Johnston, Bob  20 Hampsey, Norma Heath, and myself.  21 Q. And how long did this meeting  22 last?  23 A. I don't remember.</p>	<p>1 Q. You went to his office?  2 A. Yes.  3 Q. Dr. Wade is an orthopedist  4 based in Birmingham?  5 A. Yes.  6 Q. All right. And you had gone  7 to see Dr. Wade in connection with one of  8 your work place injuries?  9 A. Yes.  10 Q. Do you know if Dr. Wade had --  11 in advance of this meeting on October the  12 29th had communicated his conclusions  13 about you to the company?  14 A. No.  15 Q. During this meeting on the  16 29th did -- was there any discussion about  17 your doctor's conclusions about your  18 physical condition?  19 A. I was told that I was sent  20 back to work.  21 Q. Who told you that your doctors  22 had released you to work?  23 A. I think it was Ted Bryant.</p>

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41 (Pages 161 to 164)

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<p>1 Q. Now, in advance of this  2 meeting on October the 29th, 2003, do you  3 know if -- were you on inactive status  4 with the company?  5 A. I was taken off of the job.  6 What status they called it, I don't know.  7 Q. During this time period  8 between August and October, were you  9 accruing attendance occurrences?  10 A. I don't know. No -- I don't  11 know. I don't know.  12 Q. You don't know. Okay.  13 During this meeting on October  14 the 29th Ted Bryant tells you that your  15 doctors released you to return to your job  16 in the seaming department?  17 A. Yes.  18 Q. What else is said?  19 A. I don't remember. But it was  20 a lot said.  21 Q. Okay. At any point during  22 this meeting of October the 29th, 2003,  23 does anybody make any reference to your</p>	<p>1 medical doctors didn't see any reason to  2 take me off.  3 He insisted that I find a  4 doctor to take me off the job. And I  5 asked him did he have one. But before it  6 was over, he threatened to call the police  7 on me.  8 Q. Did anybody call the police on  9 you in this meeting?  10 A. No.  11 Q. Did anybody in this meeting  12 tell you that, you know, the company was  13 kind of in a difficult spot because you  14 were telling them you were in pain and  15 your doctors were telling them that you  16 could do the job?  17 A. I don't remember.  18 Q. You understand that Dr. Wade  19 and Dr. Katz said that you could go back  20 to work and do your full job as a seamer.  21 You understand that, don't you?  22 A. Yes.  23 Q. And were you not -- even</p>
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<p>1 race?  2 A. My race?  3 Q. To your race.  4 A. No.  5 Q. Did anybody tell any racial  6 jokes?  7 A. No.  8 Q. Anybody make any racial slurs?  9 A. No.  10 Q. Anybody make any reference to  11 your retirement benefits with the company?  12 A. I don't believe so.  13 Q. As best you recall, other than  14 Mr. Bryant telling you that your doctors  15 had released you -- your Workers' Comp  16 doctors had released you to return to  17 work, tell me everything else that was  18 said in this meeting.  19 A. Jeff Johnston told me that he  20 was giving me the opportunity to go to my  21 doctor so they could take me off the job.  22 And I told him that my -- what was going  23 on was injuries, not job related. My</p>	<p>1 though your doctors said that you could do  2 the job during this meeting on the 29th,  3 you told Mr. Johnston and Mr. Bryant that  4 you were in pain, weren't you?  5 A. I told them that I was in pain  6 and it was excruciating. I told them that  7 I was going to the doctors, and their  8 doctors was not doing anything for me. I  9 told them that I was getting passed  10 through the doctor's office and that no  11 matter what, they wasn't doing anything  12 for me. They was just -- I was just  13 visiting the office, and that was it.  14 They wasn't doing anything about the pain.  15 Q. Is it your contention that  16 Dr. Wade didn't really treat you when you  17 went to see him as an orthopedist?  18 A. He -- I -- no, he didn't treat  19 me. He just examined me. He didn't treat  20 me, he just examined me.  21 Q. What about Dr. Katz?  22 A. Dr. Katz -- reluctantly, I  23 knew I was allergic to steroids, because</p>

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42 (Pages 165 to 168)

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<p>1 they had -- they had me -- I had had them  2 before. They caused me to have heart  3 problems. So the pain was so  4 excruciating -- he kept saying, "All I can  5 do for you is injections." Each time I  6 had an injection -- which on three  7 different occasions I had to stop my  8 medication; aspirins and my blood pressure  9 medicine. Each time he injected me I had  10 an anxiety attack or my heart would  11 flirt. I even passed out.  12 Q. Are you talking about  13 Dr. Katz?  14 A. Dr. Katz. I told him that I  15 was allergic to the steroids. He says,  16 "Well, I'm going to give you something to  17 cope with the steroids." In turn he gave  18 me Valium, and the Valium was causing me  19 to run red lights, to just sit up at a  20 light -- three or four lights and the  21 lights turning and changing, people  22 tooting their horns.  23 So during that point, I</p>	<p>1 Security disability benefits?  2 A. Yes.  3 Q. You told them that during this  4 meeting?  5 A. Yes.  6 Q. During this meeting you had a  7 discussion with them about whether you  8 were going to apply for long-term  9 disability benefits with the company.  10 What did you tell them about that?  11 A. I didn't know my rights.  12 Q. You didn't tell them that you  13 had applied for Social Security?  14 A. I had applied for Social  15 Security. Not with the company, but with  16 the State.  17 Q. All right. And you have  18 since, in fact, been declared disabled by  19 Social Security, right?  20 A. Yes.  21 Q. And they declared you disabled  22 all the way back to August the 21st, 2003?  23 A. Yes.</p>
Page 166	Page 168
<p>1 decided I wasn't going to drive, because I  2 didn't want to kill anybody, and I didn't  3 want to be killed. So that's what  4 happened with Dr. Katz.  5 And then after that he never  6 -- the only thing he would tell me, "I  7 could treat you with injections." He knew  8 I was allergic to injections.  9 Q. Now, you selected Dr. Wade  10 from a Workers' Comp panel of four, didn't  11 you?  12 A. Yes.  13 Q. So the company gave you four  14 names?  15 A. Yes.  16 Q. And you picked Dr. Wade from  17 the list?  18 A. Yes.  19 Q. Okay. When you had this  20 meeting with the company on October the  21 29th, 2003, did you tell Mr. Johnston and  22 Mr. Bryant and Bob Hampsey and Norma Heath  23 that you had already applied for Social</p>	<p>1 Q. Okay. So if I understand this  2 determination correctly -- we are going to  3 mark this as Exhibit 8.  4 (WHEREUPON, a document was  5 marked as Defendant's Exhibit 8 and is  6 attached to the original transcript.)  7 Q. Just take a minute and read  8 over what is marked as Exhibit 8.  9 A. Okay.  10 Q. Have you had a chance to look  11 over this Notice of Decision-Fully  12 Favorable that we have marked as Exhibit  13 8?  14 A. Yes.  15 Q. Did somebody help you file  16 this?  17 A. Yes.  18 Q. Who?  19 A. My daughter.  20 Q. Okay. At any point in this  21 process -- during your disability  22 application process -- did you provide  23 them with a list of all of your Workers'</p>

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43 (Pages 169 to 172)

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<p>1 Comp doctors?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Now, the doctors who</p> <p>4 are referenced in here, Dr. Darryl</p> <p>5 Hamilton, your treating cardiologist,</p> <p>6 Dr. Steven Allen, your treating</p> <p>7 physician -- it looks like you saw these</p> <p>8 doctors after you left Albany</p> <p>9 International.</p> <p>10 A. Yes.</p> <p>11 Q. Did you receive any treatment</p> <p>12 from Dr. Hamilton during your employment</p> <p>13 with Albany International?</p> <p>14 A. Yes.</p> <p>15 Q. For what?</p> <p>16 A. Mitral value prolapse.</p> <p>17 Q. How long have you had that?</p> <p>18 A. Since about '97.</p> <p>19 Q. Okay. What about Steven</p> <p>20 Allen?</p> <p>21 A. I was seeing -- I only saw him</p> <p>22 one time.</p> <p>23 Q. After you left Albany?</p>	<p>1 I wasn't earning money. That was the time</p> <p>2 that the company told me I couldn't come</p> <p>3 to work. When they asked me when was I</p> <p>4 disabled, I wrote August the 21st.</p> <p>5 Q. I assume, Ms. Davis, that some</p> <p>6 of these either treating doctors, or</p> <p>7 medical experts that look like they</p> <p>8 testified on your behalf, somehow</p> <p>9 identified August the 21st as -- August</p> <p>10 21st, 2003, as a date after which you were</p> <p>11 incapable of performing any work.</p> <p>12 A. Uh-huh (Nodding head). The</p> <p>13 first time I was turned down. After that</p> <p>14 I was diagnosed with congestive heart</p> <p>15 failure, and I was diagnosed with -- after</p> <p>16 I was turned down, I was diagnosed with</p> <p>17 congestive heart failure, and I was turned</p> <p>18 down with the depression. Severe</p> <p>19 depression.</p> <p>20 Q. You were turned down for what?</p> <p>21 A. Disability on my first -- when</p> <p>22 I first went -- applied. First six</p> <p>23 months.</p>
Page 170	Page 172
<p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 A. I think once.</p> <p>4 Q. Okay. This is your daughter</p> <p>5 who helped you with the application?</p> <p>6 A. Yes.</p> <p>7 Q. What is her name?</p> <p>8 A. DeMonica Jones. I'm sorry, we</p> <p>9 just are -- Ritchison. DeMonica</p> <p>10 Ritchison.</p> <p>11 Q. Did she get married?</p> <p>12 A. Yes.</p> <p>13 Q. Congratulations. It's been</p> <p>14 awhile.</p> <p>15 A. I forgot.</p> <p>16 Q. Based on this, it looks like</p> <p>17 you have been completely unable to work</p> <p>18 since August the 21st, 2003.</p> <p>19 A. I can explain that.</p> <p>20 Q. Please do.</p> <p>21 A. Because that's when I filed,</p> <p>22 because that's when the company took me</p> <p>23 off the job. I was not receiving money.</p>	<p>1 Q. When you first applied for</p> <p>2 disability, what reason did you list as</p> <p>3 the disability?</p> <p>4 A. I listed the fibromyalgia,</p> <p>5 bulging disks, chronic neck pain, back</p> <p>6 pain. I listed my wrists, but they are</p> <p>7 not on here.</p> <p>8 Q. And you say Social Security</p> <p>9 initially denied your request for</p> <p>10 benefits?</p> <p>11 A. They denied my request.</p> <p>12 Q. Did you appeal it or file a</p> <p>13 new application?</p> <p>14 A. I appealed.</p> <p>15 Q. Appealed. And is that when</p> <p>16 all of this -- it looks like you had a</p> <p>17 hearing of some sort and the doctors</p> <p>18 testified.</p> <p>19 A. That was July the 22nd of</p> <p>20 2005.</p> <p>21 Q. Had you already been diagnosed</p> <p>22 with congestive heart failure when you</p> <p>23 were initially denied Social Security? If</p>



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44 (Pages 173 to 176)

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<p>1 you don't know just -- that's fine.</p> <p>2 A. No.</p> <p>3 Q. So you were --</p> <p>4 A. It was after.</p> <p>5 Q. So during the time period that</p> <p>6 you were appealing your Social Security is</p> <p>7 when --</p> <p>8 A. I developed --</p> <p>9 Q. -- Dr. Hamilton diagnosed you</p> <p>10 -- yeah. Dr. Hamilton diagnosed you with</p> <p>11 congestive heart failure?</p> <p>12 A. Yes.</p> <p>13 Q. Did the Social Security folks</p> <p>14 conclude in any way that you suffered some</p> <p>15 mental impairment?</p> <p>16 A. The only thing I see is severe</p> <p>17 depression. That's what I see on here. I</p> <p>18 did see their -- I guess their</p> <p>19 psychiatrist.</p> <p>20 Q. Are you undergoing any type of</p> <p>21 psychiatric treatment?</p> <p>22 A. Not right now.</p> <p>23 Q. Okay. Have you undergone</p>	<p>1 constantly humiliated, I was harassed out</p> <p>2 of my job, I felt robbed.</p> <p>3 Q. Okay. Anything else?</p> <p>4 A. I worked for that company</p> <p>5 twenty-four and a half years. I gave it</p> <p>6 my all. I made millions for that company,</p> <p>7 and to be just robbed of my job.</p> <p>8 Q. You realize there is something</p> <p>9 that just appears inconsistent with being</p> <p>10 declared completely disabled to work and</p> <p>11 an assertion that somehow the company</p> <p>12 robbed you of a job that apparently you</p> <p>13 and your medical experts have -- you know,</p> <p>14 it's been concluded that you couldn't do.</p> <p>15 A. I don't know how they -- I</p> <p>16 don't know what -- I know that they --</p> <p>17 right here she said they determined it</p> <p>18 this way. When I listed fibromyalgia,</p> <p>19 when I listed chronic back pain, neck</p> <p>20 pain, wrists, when I listed -- let's see</p> <p>21 what else -- I was denied. Not until I</p> <p>22 was diagnosed with congestive heart</p> <p>23 failure, severe depression, and</p>
Page 174	Page 176
<p>1 psychiatric treatment?</p> <p>2 A. Yes.</p> <p>3 Q. When?</p> <p>4 A. It was 2004.</p> <p>5 Q. Where?</p> <p>6 A. Montgomery Area Mental Health,</p> <p>7 I believe.</p> <p>8 Q. How many times did you go?</p> <p>9 A. I don't remember that. I</p> <p>10 don't know exactly.</p> <p>11 Q. Why did you go?</p> <p>12 A. Depression.</p> <p>13 Q. Has anybody diagnosed the</p> <p>14 cause of your depression?</p> <p>15 A. I don't know. I don't know,</p> <p>16 because I was never told.</p> <p>17 Q. All right. Did you seek</p> <p>18 mental health counseling in any way</p> <p>19 because of your interactions with</p> <p>20 Mr. Johnston?</p> <p>21 A. Yes.</p> <p>22 Q. In what way?</p> <p>23 A. Because I was -- I was</p>	<p>1 "cardiomanopathy." After then, that's</p> <p>2 when I was determined disabled.</p> <p>3 Q. The depression diagnosis, was</p> <p>4 that before or after you started having</p> <p>5 marital problems with your most recent</p> <p>6 husband?</p> <p>7 A. What are you talking about?</p> <p>8 Q. You are currently married.</p> <p>9 A. I'm not anymore.</p> <p>10 Q. Okay. When did you get</p> <p>11 divorced?</p> <p>12 A. April -- April the 4th, 2006.</p> <p>13 Q. When did you file for divorce?</p> <p>14 A. I didn't file. He filed.</p> <p>15 Q. He filed. Now, at the time</p> <p>16 you were receiving treatment from the</p> <p>17 Montgomery Area Mental Health Authority</p> <p>18 you were having marital problems with your</p> <p>19 former husband, weren't you? He was then</p> <p>20 your husband. You were already having</p> <p>21 problems, weren't you?</p> <p>22 A. No, I wasn't having problems,</p> <p>23 because he was the one taking me to and</p>

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45 (Pages 177 to 180)

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<p>1 from the doctors and taking care of me  2 during that time.  3 Q. All right. Now, your  4 congestive heart failure, did any of your  5 doctors tell you what the cause of that  6 was?  7 A. I have never been told that  8 either.  9 Q. Have you ever asked any of  10 your treating doctors what caused your  11 congestive heart failure?  12 A. No, I didn't.  13 Q. Have any of your doctors ever  14 told you that Mr. Johnston caused your  15 congestive heart failure?  16 A. No.  17 Q. Any of your doctors ever told  18 you anything about your employment with  19 Albany International caused your  20 congestive heart failure?  21 A. No.  22 Q. You originally applied for  23 disability benefits on October the 13th,</p>	<p>1 A. That's what they asked.  2 Q. You reported to them that it  3 was August the 21st?  4 A. 21st.  5 Q. 2003?  6 A. Yes.  7 Q. All right. You didn't tell  8 them that you had worked any shifts  9 between August the 21st and October the  10 13th?  11 A. I told them that this was --  12 that -- the last consistently working, and  13 I told them that I was going to and from.  14 And I told them that this is what was --  15 in other words, I was going to and from  16 the job off and on. Just called in -- I  17 explained to them what was going on and my  18 situation.  19 Q. Okay. Now, during this  20 meeting on October the 29th, 2003, did  21 anybody give you any documents during that  22 meeting?  23 A. I remember signing a piece of</p>
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<p>1 2003, correct?  2 A. Yes.  3 Q. Now, at the time you applied,  4 did you tell Social Security that you were  5 completely unable to work?  6 A. No. I told them that my  7 company had -- I called them, I explained  8 what was going on on my job. I told them  9 I was not earning anything. They was  10 taking me off my job, they didn't allow me  11 to work.  12 Q. Did you tell Social Security  13 that you had been fired on August the  14 21st, 2003?  15 A. I told them that I wasn't  16 working. The last time I was on my job it  17 was August, 2000 -- 21st, 2003. They  18 asked me the last time I worked, that's  19 what I told them.  20 Q. So at the time you originally  21 applied for Social Security disability  22 benefits, they asked you when you last  23 worked?</p>	<p>1 paper, but I don't know whether it was a  2 document or not. It was a note written  3 and a letter threatening me that I would  4 be fired.  5 Q. A letter threatening you --  6 A. A letter telling me that I  7 would be terminated -- it was the  8 attendance policy. Something pertaining  9 to the attendance policy.  10 Q. I tell you what.  11 MS. WILLIAMS: Can we take a  12 short break?  13 MR. POWELL: Off the record  14 for a second.  15 12:30 PM  16 (Short recess)  17 1:40 PM  18 Q. (BY MR. POWELL) Are you ready?  19 A. Yes.  20 Q. All right. Shortly before we  21 broke for lunch, you indicated that you  22 had been somehow constantly humiliated at  23 work.</p>

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46 (Pages 181 to 184)

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<p>1 A. Yes.</p> <p>2 Q. By whom?</p> <p>3 A. Jeff Johnston. I was</p> <p>4 humiliated by Ted Bryant, Bob Hampsey,</p> <p>5 supervisors, Barbara Smith and Nat Jones.</p> <p>6 Q. When you said you were</p> <p>7 constantly humiliated by supervisors, are</p> <p>8 you referring to Barbara Smith and Nat</p> <p>9 Jones?</p> <p>10 A. Well, Nat Jones and Barbara</p> <p>11 Smith, them two.</p> <p>12 Q. Okay. So were you humiliated</p> <p>13 by anybody other than Jeff Johnston, Ted</p> <p>14 Bryant, Bob Hampsey, Barbara Smith, and</p> <p>15 Nat Jones?</p> <p>16 A. As far as when I was coming</p> <p>17 into the end of my leave, not being</p> <p>18 there. I was placed on wire assignments</p> <p>19 which was difficult. I was asked to do</p> <p>20 things that they know was causing pain or</p> <p>21 further injuries. I was constantly</p> <p>22 reminded of what -- how do you put it --</p> <p>23 what I could or couldn't do. Whenever</p>	<p>1 believe resulted in constant humiliation?</p> <p>2 A. They were in authority.</p> <p>3 Q. Just Mr. Johnston</p> <p>4 specifically.</p> <p>5 A. He was in authority. He</p> <p>6 allowed work -- he knew that I had an</p> <p>7 injury. No one did anything to make my</p> <p>8 job easier or to help me through or to</p> <p>9 make me be able to just perform my job. I</p> <p>10 was sent to work as if though I never</p> <p>11 received -- I didn't have an injury.</p> <p>12 I was placed on difficult</p> <p>13 fabrics. I asked off the M-3000. I was</p> <p>14 never taken off. I was told that I had to</p> <p>15 work, I couldn't come off. I know of</p> <p>16 people that they took off of the M-3000</p> <p>17 when they complained of the pain and</p> <p>18 difficulties or when they were told that</p> <p>19 this fabric is too difficult or I'm having</p> <p>20 problems here. If I asked off, I never</p> <p>21 could -- I would always have to work that</p> <p>22 fabric.</p> <p>23 Q. What exactly did Jeff Johnston</p>
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<p>1 they put -- like I would be working, they</p> <p>2 would ask me to help other employees,</p> <p>3 which I would be in pain, and this person</p> <p>4 be standing up laughing, holding a</p> <p>5 conversation.</p> <p>6 Some occasions where -- when I</p> <p>7 came back from injury, I was placed on a</p> <p>8 machine where other people were given</p> <p>9 light duty or a desk -- something to do at</p> <p>10 a desk or paperwork. A whole bunch of</p> <p>11 things.</p> <p>12 Q. All right. So when you said</p> <p>13 earlier that you were constantly</p> <p>14 humiliated, are these the types of things</p> <p>15 that you were referring to?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And if I understood you</p> <p>18 correctly, the humiliation was caused by</p> <p>19 Jeff Johnston, Ted Bryant, Bob Hampsey,</p> <p>20 Barbara Smith, and Nat Jones?</p> <p>21 A. Yes.</p> <p>22 Q. Let's take them one at a</p> <p>23 time. What did Mr. Johnston do that you</p>	<p>1 do that you claim resulted in constant</p> <p>2 humiliation?</p> <p>3 A. If -- he did nothing about</p> <p>4 it. He did nothing about it. He allowed</p> <p>5 these things to take place.</p> <p>6 Q. So, if I understand you</p> <p>7 correctly, other people were humiliating</p> <p>8 you, and Mr. Johnston didn't do anything</p> <p>9 to stop it?</p> <p>10 A. No. It wasn't other people.</p> <p>11 Under these conditions -- under these</p> <p>12 working conditions, I was being</p> <p>13 humiliated, because nothing was done</p> <p>14 about -- okay, you have a rotator tear --</p> <p>15 you have a rotator tear, but you have got</p> <p>16 to go work this machine. I'm constantly</p> <p>17 using this arm, pulling wires down, tying</p> <p>18 knots, pushing machines, crawling on the</p> <p>19 floor, moving stands, lifting weights.</p> <p>20 I'm doing everything that people that was</p> <p>21 not injured do -- was doing.</p> <p>22 I was helping people do things</p> <p>23 that they know -- like starting up a</p>

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<p>1 seam. I start up a seam I'm going,  2 "Ouch," "Oh," just hollering, because I'm  3 in pain. And nobody did anything about  4 it. They just allowed me to work under  5 those conditions.  6 Q. They asked you to do something  7 that wasn't part of your normal job  8 assignment?  9 A. It was part of the job  10 assignment, but they knew I was injured in  11 my assignment.  12 Q. My question is: Did anybody  13 at the company ask you to perform a job  14 function that was not part of your normal  15 job assignment?  16 A. To help others wasn't part of  17 my job assignment.  18 Q. Over the course of your career  19 working in the seaming department, have  20 other employees helped you with projects?  21 A. I needed very little help.  22 Q. That wasn't my question. Over  23 the course --</p>	<p>1 Q. Okay. I'm going to reverse  2 the order of the list, because you have  3 alleged that somehow you were constantly  4 humiliated. You have named five people  5 that you claim did things to humiliate  6 you.  7 What I'm trying to determine  8 is what exactly each person did that  9 humiliated you. So let's start with Nat  10 Jones. What did Mr. Jones do that  11 humiliated you?  12 A. He would send me to fabric.  13 He would have me to seam difficult  14 fabrics. He would allow me to do other  15 people's rework. He would -- it's been  16 time I seamed his girlfriend's wires.  17 Q. Is there anything else  18 Mr. Jones did that you believe humiliated  19 you in some fashion?  20 A. I have gone to work and been  21 on one assignment, and he would take that  22 assignment from me. The easy  23 assignment -- when I come in, that would</p>
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<p>1 A. I have been helped.  2 Q. Other employees have helped  3 you?  4 A. Yes.  5 Q. Have you helped other  6 employees?  7 A. Yes.  8 Q. Okay. When other employees  9 have helped you, is there something  10 humiliating about that?  11 A. It became humiliating when I'm  12 in constant pain, instead of being asked  13 to do it -- that's when it became  14 humiliating.  15 Q. The time that you are being  16 asked to do this and you claim it was  17 humiliating, were you under any specific  18 restrictions from any doctor not to do  19 some aspect of your job?  20 A. I have -- yes.  21 Q. When?  22 A. At different -- different  23 times.</p>	<p>1 be my assignment. He have taken that  2 assignment from me and given me the other  3 person's assignment that was more  4 difficult.  5 Q. Anything else from Mr. Jones  6 that you believe humiliated you?  7 A. I guess -- I don't know. I  8 can't remember anything else.  9 Q. Do you have a list anywhere?  10 A. No, I don't have a list.  11 Q. All right. Based on my notes,  12 what I have that you allege Mr. Jones did  13 to humiliate you was to have you seam  14 difficult fabrics, do other employee's  15 rework on fabrics, seam his girlfriend's  16 wires.  17 A. Yes.  18 Q. And then he would reassign you  19 from an easy job to a hard job.  20 A. See, we were always assigned.  21 We were always assigned -- we had an  22 assignment when we came in. And sometimes  23 he would take that assignment, if it was</p>

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<p>1 an easy assignment, and give it to another</p> <p>2 person and put me on a more different</p> <p>3 assignment.</p> <p>4 Q. Are those the four things that</p> <p>5 you claim Mr. Jones did that humiliated</p> <p>6 you?</p> <p>7 A. That's the four that I can</p> <p>8 remember.</p> <p>9 Q. What was Mr. Jones' job at the</p> <p>10 time?</p> <p>11 A. Seaming supervisor.</p> <p>12 Q. And can you tell me what year</p> <p>13 any of these four events took place with</p> <p>14 Mr. Jones?</p> <p>15 A. I don't remember.</p> <p>16 Q. All right.</p> <p>17 A. It was during his supervising</p> <p>18 -- seaming supervisor period.</p> <p>19 Q. Now, he would have you seam</p> <p>20 difficult fabrics?</p> <p>21 A. Yes.</p> <p>22 Q. What do you mean by that?</p> <p>23 A. Some fabrics we may have off</p>	<p>1 A. He has done it -- different</p> <p>2 ones; Dottie, Shirley, different people.</p> <p>3 Q. Well, do you know why he</p> <p>4 switched that person and gave that job to</p> <p>5 you?</p> <p>6 A. That person went to him and</p> <p>7 complained, "I don't want to work this</p> <p>8 fabric, I don't want to do this." We had</p> <p>9 people to do that, "I don't know what to</p> <p>10 do this." When they didn't want to do it,</p> <p>11 the less favorite person got the job.</p> <p>12 Q. Did you ever see anybody else</p> <p>13 seam a different fabric?</p> <p>14 A. Yes.</p> <p>15 Q. Who?</p> <p>16 A. Katherine Davis and Jerelene</p> <p>17 Forest.</p> <p>18 Q. When did Mr. Jones assign --</p> <p>19 take a difficult fabric away from somebody</p> <p>20 else and give it to you? When did that</p> <p>21 happen?</p> <p>22 A. Throughout his -- throughout</p> <p>23 his seaming supervisor.</p>
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<p>1 beat, bad counts, or sometimes they would</p> <p>2 be where it was cut too short to finish</p> <p>3 it. You had to start on the edge and you</p> <p>4 had to make sure you go to the other</p> <p>5 edge. When you do that, it was</p> <p>6 difficult. It made -- it was more</p> <p>7 difficult than it would be if you just</p> <p>8 hook a fabric up and seam.</p> <p>9 Q. Asking you to work on a</p> <p>10 difficult fabric, is that part of your</p> <p>11 normal job duties?</p> <p>12 A. It was part of all of our job</p> <p>13 duties.</p> <p>14 Q. Now, being asked by Mr. Jones</p> <p>15 to work on a difficult fabric, how did</p> <p>16 that humiliate you?</p> <p>17 A. Because he was taking the job</p> <p>18 that another qualified operator was doing</p> <p>19 and he would give it to me when that</p> <p>20 person was supposed to do that job</p> <p>21 themselves.</p> <p>22 Q. Who was he taking the job away</p> <p>23 from?</p>	<p>1 Q. How many times did he do that?</p> <p>2 A. A lots. I can't say how</p> <p>3 many. Several. A lot.</p> <p>4 Q. In asking you to seam a</p> <p>5 difficult fabric, you were still seaming a</p> <p>6 fabric, correct?</p> <p>7 A. Yes.</p> <p>8 Q. That's your job in the plant</p> <p>9 was to seam fabrics?</p> <p>10 A. Yes.</p> <p>11 Q. Did he make any derogatory</p> <p>12 remarks to you when he switched you to</p> <p>13 seaming difficult fabrics?</p> <p>14 A. What do you call derogatory?</p> <p>15 Q. Did he make any comments to</p> <p>16 you that upset you in any way when he</p> <p>17 switched you to a difficult fabric?</p> <p>18 A. You just go to this machine</p> <p>19 and you seam this fabric.</p> <p>20 Q. You got paid your normal rate</p> <p>21 of pay?</p> <p>22 A. Yes.</p> <p>23 Q. Whose rework did he have you</p>



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<p>1 do?</p> <p>2 A. Let's see. I have done -- I</p> <p>3 can't -- Jim's, Arnold's, Evelyn's,</p> <p>4 Mamie's, Dottie's -- just a whole bunch of</p> <p>5 people.</p> <p>6 Q. Did he ever tell you why he</p> <p>7 was giving you their rework?</p> <p>8 A. They always said that I could</p> <p>9 handle it.</p> <p>10 Q. Who is they?</p> <p>11 A. Like Nat or the other</p> <p>12 supervisors. They would say, "You can</p> <p>13 handle it."</p> <p>14 Q. So on the occasions that</p> <p>15 Mr. Jones assigned you to rework somebody</p> <p>16 else's fabric, he told you that you could</p> <p>17 handle it?</p> <p>18 A. Handle it, yes.</p> <p>19 Q. Do you believe Mr. Jones gave</p> <p>20 you these assignments because of your</p> <p>21 race?</p> <p>22 A. No.</p> <p>23 Q. Do you know why Mr. Jones gave</p>	<p>1 forgot her last name.</p> <p>2 Q. Morgan?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever go out with</p> <p>5 Mr. Jones?</p> <p>6 A. No.</p> <p>7 Q. How many times did Mr. Jones</p> <p>8 ask you to, I guess, rework Ms. Morgan's</p> <p>9 wire?</p> <p>10 A. I have -- I have come in and I</p> <p>11 have worked rework five days out of a</p> <p>12 week. Jean Carr, that's another one.</p> <p>13 Q. Another who?</p> <p>14 A. Person who I reworked behind.</p> <p>15 Q. Okay. Did anybody else in the</p> <p>16 seaming department do rework?</p> <p>17 A. Yes.</p> <p>18 Q. Who?</p> <p>19 A. Everybody.</p> <p>20 Q. Reworking on fabrics was</p> <p>21 something that everybody in the seaming</p> <p>22 department did?</p> <p>23 A. Yes.</p>
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<p>1 you the rework assignments?</p> <p>2 A. He wanted the job done, and he</p> <p>3 felt like I could handle it.</p> <p>4 Q. All right. Do you believe</p> <p>5 Mr. Jones assigned you to do difficult</p> <p>6 fabrics because of your race?</p> <p>7 A. No.</p> <p>8 Q. Why do you believe Mr. Jones</p> <p>9 gave you that job assignment?</p> <p>10 A. The other person went to him</p> <p>11 and told him they didn't want to do it.</p> <p>12 Q. Did you ever hear somebody</p> <p>13 tell Mr. Jones that they didn't want to do</p> <p>14 it?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. Who?</p> <p>17 A. I have heard Mamie, Dottie,</p> <p>18 Dot, Doris.</p> <p>19 Q. You said Mr. Jones had you</p> <p>20 seam his girlfriend's wires.</p> <p>21 A. Yes.</p> <p>22 Q. Who?</p> <p>23 A. Her reworks. Evelyn. I done</p>	<p>1 Q. Okay. Do you believe</p> <p>2 Mr. Jones had you rework Evelyn Morgan's</p> <p>3 wire because of your race?</p> <p>4 A. No.</p> <p>5 Q. Do you know why he had you</p> <p>6 rework Ms. Morgan's wire?</p> <p>7 A. She didn't want to do it.</p> <p>8 Q. Did you hear Ms. Morgan say</p> <p>9 that?</p> <p>10 A. Well, I have seen people --</p> <p>11 Evelyn. I have seen others say, "I don't</p> <p>12 want this assignment," and they give it to</p> <p>13 the next person.</p> <p>14 Q. The next person being you?</p> <p>15 A. Yes.</p> <p>16 Q. You say somehow you were</p> <p>17 humiliated by Mr. Jones taking easy</p> <p>18 assignments away from you and switching</p> <p>19 you to a hard assignment.</p> <p>20 A. When you are in constant,</p> <p>21 excruciating pain, I'm talking about pain</p> <p>22 where you are trembling, and somebody</p> <p>23 takes an assignment from another person</p>

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<p>1 and give it to you, it humiliates you. It 2 humiliated me. 3 Q. Did Mr. Jones make any 4 announcement to the department as a whole 5 that he was switching you from an easy 6 assignment to a hard assignment? 7 A. No. 8 Q. So he didn't do anything to 9 hold you up to public ridicule? 10 A. No. 11 Q. Well, what specific easy 12 assignments did he take away from you and 13 switch you to hard assignments? 14 A. Some fabrics you go in, you 15 start the fabric in, it runs. Other 16 fabrics was more difficult. They were 17 tedious. They required a lot of 18 attention. You had to just stay there. 19 You couldn't relax in it, because I had to 20 put a decent seam in the fabric. I did 21 that. 22 I purposefully made sure that 23 everything that I put my hand on, I did --</p>	<p>1 Sometimes I got the most difficult wire. 2 And during the time of my 3 injuries, no one had sympathy for me. 4 They would put me on the difficult fabrics 5 as -- as if though I wasn't in pain or 6 anything that was going on in my body. 7 Q. Well, during this time -- this 8 system that you say where -- I guess you 9 rotated on different fabrics? 10 A. Yes. 11 Q. All right. Did that system 12 apply to you and to everybody else in the 13 seaming department? 14 A. Yes. 15 Q. So you rotated periodically 16 among the fabrics? 17 A. Yes. 18 Q. Okay. Occasionally, under the 19 rotation, you would get easy fabrics? 20 A. You would -- if I had -- if 21 this fabric is my assignment, the other 22 operators come in and their assignment -- 23 because her assignment is difficult, you,</p>
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<p>1 I worked it to my best. I made sure that 2 it was quality work. 3 Q. When you say Mr. Jones 4 switched you from an easy assignment to a 5 hard assignment, he was -- he still had 6 you doing a job that was within your 7 normal job description, correct? 8 A. Yes. 9 Q. Okay. And at the time he was 10 switching you from these easy assignments 11 to these hard assignments, were they 12 within any medical restrictions placed on 13 you by your doctors? 14 A. No. 15 Q. Well, exactly which jobs did 16 he give you that were outside of any 17 restrictions put on you by your doctors? 18 A. We had a system where you were 19 assigned fabrics, and you were assigned 20 those fabrics according to -- of 21 difficulties and -- less difficult. You 22 didn't have one person seam all of the 23 difficult wire, you spreaded them out.</p>	<p>1 in turn, take this person off their 2 assignment and you give them my assignment 3 and gave me her assignment. 4 And then you had where we was 5 supposed to start a wire and we would 6 finish that fabric. We stayed on that 7 fabric till we finished. We wasn't 8 supposed to switch up in the middle of the 9 fabric. So he would switch me up 10 sometimes. 11 Q. Did you go complain to the 12 Union? 13 A. A lot of times I didn't 14 complain, because it wasn't doing me any 15 good to complain. 16 Q. That wasn't my question. Did 17 you go complain to the Union? 18 A. Yes, I did. 19 Q. Who did you complain to? 20 A. I complained to the supervisor 21 first. 22 Q. Who would have been Mr. Jones? 23 A. Mr. Jones.</p>

1	A. Okay. My point is, when I was	1	A. Yes.
2	on limitations, wrist bands, lifting a	2	Q. Okay. Did Ms. Smith in any
3	certain amount of weight, can't twist, you	3	way hold you up to ridicule among your
4	can't bend, you are not supposed to crawl	4	co-workers in the plant?
5	today, just different things that I was --	5	A. No.
6	restrictions. I -- I would have to go --	6	Q. All right. I think you said
7	what I'm telling you is, I would have to	7	somehow she humiliated you two times. You
8	work that machine irregardless, whether I	8	have described one. What was the second
9	was on restrictions or anything. If I	9	one?
10	have to take the band off to fix	10	A. When you are -- when I was
11	something, because it was a tedious area,	11	working -- I told the second time -- the
12	you couldn't put your hand in with a wrist	12	first time was when I was on -- a person
13	band. You couldn't fix different things	13	-- a fabric was assigned to a person, I
14	with a wrist band on. You have to take it	14	had two wrist bands on. This person
15	off.	15	strolls off to the bathroom. She calls me
16	Q. What did Barbara Smith do that	16	over to help load the fabric. She knows
17	allegedly constantly humiliated you?	17	that I've got two wrist bands on.
18	A. The last time -- the time that	18	Q. All right. So there is only
19	I was constantly humiliated -- the two	19	one occasion where Ms. Smith did something
20	times -- during the times of when I was on	20	that humiliated you?
21	restrictions, I have seen an operator get	21	A. That's two separate, loading a wire
22	up and go to the bathroom, and she asked	22	somebody else's fabric and seaming a wire
23	me to help load a fabric.	23	with a wrist band.
1	Q. Okay. And did you go to	1	I have -- during the last time
2	anybody in the Union and ask if you could	2	I was there, I think it was N-5 I was
3	file a grievance about this change in job	3	working, it was the -- I'm trying to think
4	assignments?	4	-- I can't think of the fabric. It's a
5	A. I have gone to shop stewards	5	very small fabric, a triple layer.
6	about wire assignment.	6	So I had on two wrist bands --
7	Q. I'm talking about with respect	7	this is what I'm talking about. When you
8	to Mr. Jones. Did you go to the shop	8	find -- have an error, you have to take it
9	steward about your job assignments?	9	out and put it in. I could not put my
10	A. Yes.	10	hand down. I asked Barbara to call up
11	Q. When?	11	front and ask them to move me off that
12	A. During the time of the wire	12	machine. She told me that she couldn't do
13	assignment.	13	it. And if you are in excruciating pain
14	Q. Okay. At the time of these	14	and this happens, yes, there is humility.
15	wire assignments with Mr. Jones, did you	15	Q. Did you finish out your shift
16	have -- were you being treated by a	16	this day?
17	Workers' Compensation doctor?	17	A. I don't know whether I did or
18	A. This was the process in the	18	not.
19	time I became a seamer until the time that	19	Q. Did you get disciplined in any
20	I was not there anymore. So this happened	20	way on that day?
21	down through the years.	21	A. No.
22	Q. Right now we are talking about	22	Q. Did you get paid for whatever
23	Mr. Jones.	23	hours you worked that day?

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<p>1 Q. Well, then, I'm confused.</p> <p>2 Somebody is working on a machine, they get</p> <p>3 up to go to the restroom and Ms. Smith</p> <p>4 calls you over to help load --</p> <p>5 A. Load the fabric.</p> <p>6 Q. -- the fabric. That's one</p> <p>7 occasion?</p> <p>8 A. Uh-huh (Nodding head).</p> <p>9 Q. Then when does this second</p> <p>10 occasion with seaming occur?</p> <p>11 A. I'm working on a machine --</p> <p>12 I'm seaming, and I have got on two wrist</p> <p>13 bands. I'm trying to seam a wire, and I'm</p> <p>14 having to take the wrist bands off to make</p> <p>15 sure that I'm putting the seam in the</p> <p>16 fabric. And I asked her to call up</p> <p>17 front -- and when I say up front, call</p> <p>18 management -- to let them know that I'm in</p> <p>19 a lot of pain, and this is causing more</p> <p>20 pain.</p> <p>21 Q. This seaming time when you</p> <p>22 asked her -- asked Ms. Smith to call up</p> <p>23 front, when was that?</p>	<p>1 your race?</p> <p>2 A. My rights?</p> <p>3 Q. Race?</p> <p>4 A. Race. No.</p> <p>5 Q. These humiliating events with</p> <p>6 Mr. Jones, did you make any effort to</p> <p>7 report them to Ted Bryant?</p> <p>8 A. I stopped complaining, because</p> <p>9 nothing was being done about it. I</p> <p>10 complained, and that was the end of it. I</p> <p>11 hear it, and that was it.</p> <p>12 Q. Nothing was being done to deal</p> <p>13 with your being in pain from your work</p> <p>14 injuries?</p> <p>15 A. That, and about me being</p> <p>16 humiliated. Me going -- if I went to Ted</p> <p>17 or Jeff, I was always the problem.</p> <p>18 Q. Who, at the company, did you</p> <p>19 go to and tell them that you felt that any</p> <p>20 other Albany employee had humiliated you?</p> <p>21 A. I didn't go to anybody.</p> <p>22 Q. So you didn't report to</p> <p>23 Mr. Bryant or Jeff Johnston or George</p>
Page 206	Page 208
<p>1 A. It was in the -- it was in</p> <p>2 2003, because this was near the end.</p> <p>3 Q. What about the time where the</p> <p>4 other employee went to the restroom and</p> <p>5 she asked you to load?</p> <p>6 A. It was around the same time.</p> <p>7 Q. Do you know when in 2003?</p> <p>8 A. No.</p> <p>9 Q. Early part of 2003?</p> <p>10 A. Middle.</p> <p>11 Q. May, June?</p> <p>12 A. May, June, something like</p> <p>13 that.</p> <p>14 Q. So these two incidents with</p> <p>15 Ms. Smith happened in May or June of 2003?</p> <p>16 A. Yes.</p> <p>17 Q. Do you believe either of these</p> <p>18 events with Ms. Smith had anything to do</p> <p>19 with your race?</p> <p>20 A. Pardon?</p> <p>21 Q. Do you believe either of these</p> <p>22 two events that you have just described</p> <p>23 with Barbara Smith had anything to do with</p>	<p>1 Kazalay that Nat Jones had humiliated you</p> <p>2 in any way?</p> <p>3 A. No.</p> <p>4 Q. Did you report to anybody in</p> <p>5 management at the company that Barbara</p> <p>6 Smith had humiliated you in any way?</p> <p>7 A. No.</p> <p>8 Q. How did Bob Hampsey humiliate</p> <p>9 you?</p> <p>10 A. Once -- well, it was more than</p> <p>11 once, because we were given -- like</p> <p>12 sometimes -- we were told that we could</p> <p>13 take a break or we could step away from a</p> <p>14 fabric. And during this process -- during</p> <p>15 this period of the injury, and -- I don't</p> <p>16 know -- I guess getting ready to move me</p> <p>17 out of the plant -- I was being</p> <p>18 monitored. I had -- I would -- like if I</p> <p>19 go -- stood up or walked around, I was his</p> <p>20 -- he would call Tim and tell Tim, "You</p> <p>21 have got an employee away from the</p> <p>22 fabric," or, "Why is Dora doing this," or,</p> <p>23 "Why is Dora doing that."</p>

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<p>1 Q. Who was monitoring you?</p> <p>2 A. Tim Woodward.</p> <p>3 Q. Was Bob Hampsey monitoring</p> <p>4 you?</p> <p>5 A. Well, he would -- he has</p> <p>6 walked up to me on occasion and told me,</p> <p>7 "Bob was wondering why you are standing</p> <p>8 up," or, "Bob was wondering this."</p> <p>9 Q. Do you know if Mr. Hampsey</p> <p>10 ever checked on other employees who had</p> <p>11 walked away from their wire?</p> <p>12 A. I don't know.</p> <p>13 Q. And did Mr. Woodward say on</p> <p>14 either of these occasions why Mr. Hampsey</p> <p>15 had said anything about you being away</p> <p>16 from your wire?</p> <p>17 A. No.</p> <p>18 Q. Were you away from your wire</p> <p>19 on those occasions?</p> <p>20 A. No. I probably was sitting</p> <p>21 like I'm sitting now or taking a break or</p> <p>22 trying to move my head back or rest my</p> <p>23 arms or stand up and relax my back or do</p>	<p>1 like you could hear, and he was asked to</p> <p>2 dial 911. He said he didn't have to dial</p> <p>3 911.</p> <p>4 Q. Somebody from the company</p> <p>5 called an ambulance for you?</p> <p>6 A. Yes. I don't know who called</p> <p>7 it, but I know Shed called my daughter.</p> <p>8 Q. And who is Shed?</p> <p>9 A. Shederick Abner. He used to</p> <p>10 be an employee at the plant, too.</p> <p>11 Q. Did you work in the same</p> <p>12 department with Mr. Abner?</p> <p>13 A. A little while.</p> <p>14 Q. Which department was that?</p> <p>15 A. He worked in seaming.</p> <p>16 Q. He worked in the seaming</p> <p>17 department for a little while?</p> <p>18 A. Yes.</p> <p>19 Q. Did Mr. Abner ever do anything</p> <p>20 to humiliate you?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you keep up with</p> <p>23 Mr. Abner?</p>
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<p>1 something other than just sit there and be</p> <p>2 in pain.</p> <p>3 Q. Is there anything Mr. Hampsey</p> <p>4 has done towards you that humiliated you</p> <p>5 other than send Mr. Woodward to check on</p> <p>6 you?</p> <p>7 A. Well, once I went to the</p> <p>8 doctor -- this has been awhile -- and they</p> <p>9 wanted -- did the injection in my arm, the</p> <p>10 steroids that I was allergic to. It was a</p> <p>11 grievance process going on, so I had to go</p> <p>12 up front. And we were on our way up --</p> <p>13 this was Norma Heath, Shederick Abner, and</p> <p>14 myself.</p> <p>15 And on my way up, I think</p> <p>16 Barbara had passed our checks out, so I</p> <p>17 couldn't see. I gave the check to Norma</p> <p>18 and said, "Look at this check. I can't</p> <p>19 see it." And when we got upstairs, I</p> <p>20 passed out. And I know I passed out from</p> <p>21 the injection, because it was steroids.</p> <p>22 It was a reaction to the steroids.</p> <p>23 During that time -- before --</p>	<p>1 A. I haven't talked to him in a</p> <p>2 long time, no.</p> <p>3 Q. Okay. How do you know</p> <p>4 Mr. Hampsey said, "I don't have to call</p> <p>5 911?"</p> <p>6 A. I heard him.</p> <p>7 Q. I thought you were passed</p> <p>8 out.</p> <p>9 A. You also heard me say, too, I</p> <p>10 could hear. And when I heard him say --</p> <p>11 maybe I was coming back around -- I don't</p> <p>12 know what the situation was. I could hear</p> <p>13 him say, "I don't have to dial 911."</p> <p>14 Q. Well, at that point do you</p> <p>15 know if somebody for the company had</p> <p>16 already called the paramedics for you?</p> <p>17 A. I don't know, because -- I</p> <p>18 don't know -- I don't know. I just know</p> <p>19 the paramedics came.</p> <p>20 Q. And you received medical</p> <p>21 treatment for your allergic reaction to</p> <p>22 the steroid shot?</p> <p>23 A. I received the treatments for</p>



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<p>1 the -- yes.</p> <p>2 Q. Now, were you in a grievance</p> <p>3 meeting with Mr. Hampsey when this</p> <p>4 allergic reaction kicked in?</p> <p>5 A. I would say the devastations</p> <p>6 of it, but it was already kicking in when</p> <p>7 I couldn't see.</p> <p>8 Q. Were you a participant in a</p> <p>9 grievance meeting?</p> <p>10 A. Yes.</p> <p>11 Q. What was the grievance about?</p> <p>12 A. I don't remember.</p> <p>13 Q. Who filed the grievance?</p> <p>14 A. Shederick Abner.</p> <p>15 Q. Did you file the grievance?</p> <p>16 A. I believe my name was on it.</p> <p>17 I don't know. I remember -- but I believe</p> <p>18 it was, because that's why I was there.</p> <p>19 Q. Was this grievance arising out</p> <p>20 of yours and Mr. Abner's work in the</p> <p>21 seaming department?</p> <p>22 A. I don't remember. Yes, it</p> <p>23 derived from it. I don't remember exactly</p>	<p>1 Q. Ted Bryant was the plant</p> <p>2 manager?</p> <p>3 A. He was our personnel manager.</p> <p>4 He knew the rules, he knew what it took</p> <p>5 for me to be treated right. And he sit</p> <p>6 back and he allowed it. He allowed my job</p> <p>7 to be taken away, he allowed me to hurt</p> <p>8 every day. He knew the extent of the</p> <p>9 pain. He knew. He knew.</p> <p>10 He -- when I come to work and</p> <p>11 had expressed myself or talked to him on</p> <p>12 the phone, he knew that I was in pain. He</p> <p>13 knew that I was hurting.</p> <p>14 Q. Well, Ms. Davis, if your</p> <p>15 doctors released you to return to work --</p> <p>16 A. My doctors didn't release me.</p> <p>17 Q. They didn't?</p> <p>18 A. No.</p> <p>19 Q. Your doctors didn't tell the</p> <p>20 company that you could go back to work?</p> <p>21 A. No. Their doctors released</p> <p>22 me. The company doctors released me.</p> <p>23 Q. Your assigned Workers'</p>
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<p>1 what it was.</p> <p>2 Q. Do you remember what year this</p> <p>3 happened?</p> <p>4 A. This had to be about 2000,</p> <p>5 2001, something like that.</p> <p>6 Q. Okay. Do you remember what</p> <p>7 the ultimate outcome of the grievance was?</p> <p>8 A. I don't remember, because I</p> <p>9 have never did -- like it was -- whatever</p> <p>10 took place was -- it took place while I</p> <p>11 was still sick.</p> <p>12 Q. Okay. Anything else that you</p> <p>13 think Mr. Hampsey did that in any way</p> <p>14 humiliated you?</p> <p>15 A. I don't remember.</p> <p>16 Q. And you don't have a list</p> <p>17 written down anywhere?</p> <p>18 A. No, I don't have a list.</p> <p>19 Q. Okay. What is it that</p> <p>20 Mr. Bryant did that in any way humiliated</p> <p>21 you?</p> <p>22 A. Because he was our plant</p> <p>23 manager.</p>	<p>1 Compensation doctors released you.</p> <p>2 A. Yes. That's who released me.</p> <p>3 Q. Right. Your assigned work --</p> <p>4 approved Workers' Compensation doctors</p> <p>5 said that you could go back to doing your</p> <p>6 job as a seamer, correct?</p> <p>7 A. That's what they told me.</p> <p>8 Q. Okay. So some other doctor</p> <p>9 you think they should have listened to</p> <p>10 instead of the ones by law that you were</p> <p>11 seeing under your Workers' Comp?</p> <p>12 A. If you have four slipped</p> <p>13 bulging disks in your neck, you have four</p> <p>14 in your lower back, you have constant pain</p> <p>15 in your wrists, you have a rotator surgery</p> <p>16 where you have been told that the --</p> <p>17 anyway, the surgical -- after surgery or</p> <p>18 whatever -- the scars is aggravating you.</p> <p>19 This is all parts of your body. This is</p> <p>20 your -- this is your spine. You are in</p> <p>21 constant pain every day, and some doctor</p> <p>22 is going to release you knowing that you</p> <p>23 are in constant pain and not doing</p>

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55 (Pages 217 to 220)

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<p>1 anything for you. They are -- they didn't  2 do anything for me. They passed me  3 through their office.  4 Q. Well, are you suing the  5 doctors for malpractice in their treatment  6 of you?  7 A. I was under their care because  8 of Appleton Wire.  9 Q. Is it your contention  10 Mr. Bryant is a doctor?  11 A. He was my personnel manager.  12 Q. Well, he didn't give you any  13 medical advice, did he?  14 A. He sent me to doctors for them  15 to give it to me.  16 Q. You picked Dr. Wade off of a  17 list of four.  18 A. I picked him because I had no  19 choice. I didn't know one from the other.  20 Q. So is it your contention that  21 merely because you were telling the  22 company that you were in pain that they  23 should ignore your -- the advice of your</p>	<p>1 A. No medical reason. He didn't  2 say it wasn't job related.  3 Q. Well, if there is no medical  4 reason for you to be off work, why do you  5 believe that the company had any  6 obligation to let you off work or change  7 your job in any way?  8 A. They didn't have to change my  9 job. All they had to do was give me  10 medical attention to attend -- to take  11 care of the medical injuries that I  12 received on Appleton Wire premises.  13 Q. How many different doctors did  14 the company pay for you to see for your  15 injuries at work?  16 A. I really don't know.  17 Q. Ten, twelve?  18 A. I haven't a clue.  19 Q. The company paid for your  20 rotator cuff surgery, didn't they?  21 A. Yes.  22 Q. They paid for rehabilitation  23 for your shoulder surgery?</p>
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<p>1 medical doctors that you could do your  2 job?  3 A. I thought -- I think that they  4 should have made sure that I was medically  5 taken care of. They should have made sure  6 that I got proper medical help. I did not  7 know how to treat myself. Doctors do.  8 Q. Correct me if I'm wrong, but  9 didn't your treating doctors say that you  10 could go back to work?  11 A. When I went to him to ask him  12 to take me off, he told me, "All they are  13 going to say -- I'm not taking you off,  14 because all they are going to say is it is  15 not job related." He said that it was  16 nothing medically wrong with me to be off  17 my job.  18 Q. Who is he?  19 A. This was Dr. Mathis.  20 Q. Your personal physician said  21 there wasn't any medical reason -- your  22 personal physician, Dr. Mathis, said there  23 was no reason for you to be off work?</p>	<p>1 A. Yes.  2 Q. Paid to send you to an  3 orthopedist in Birmingham?  4 A. But they didn't do anything  5 for me. The rotator --  6 Q. You mean the doctor didn't?  7 A. They repaired the rotator  8 cuff. Nobody repaired my lower back. My  9 neck was not repaired. My wrist was not  10 repaired. I went to Dr. Palmer with Donna  11 Smith. He told me because he had did  12 surgery on so many of the other people --  13 other ladies, he didn't see it was no good  14 to do it on my wrists. He didn't say  15 nothing was wrong with my wrist, he just  16 said he didn't have a reason to do it,  17 because he had done it for the other  18 ladies.  19 Q. Are you telling me that in  20 this case you think somehow the company is  21 responsible for the quality of treatment  22 that you received from licensed doctors in  23 the State of Alabama?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. Well, just kind of -- let's</p> <p>3 start with -- let's start with Jeff Wade,</p> <p>4 orthopedic surgeon. The last time I</p> <p>5 checked, he is chief of staff at Brookwood</p> <p>6 Medical Center in Birmingham.</p> <p>7 A. It doesn't make him --</p> <p>8 Q. Let me ask my question.</p> <p>9 A. Go on.</p> <p>10 Q. Does he work to Albany</p> <p>11 International?</p> <p>12 A. He worked for -- yes. Yes.</p> <p>13 Q. He is employed by the company?</p> <p>14 A. No.</p> <p>15 Q. Okay. He is a private</p> <p>16 practice doctor, right?</p> <p>17 A. He was employed with them to</p> <p>18 take -- to see me.</p> <p>19 Q. Are you suing Dr. Wade for the</p> <p>20 quality of care that he gave you?</p> <p>21 A. Not yet.</p> <p>22 Q. Are you suing Dr. Katz for the</p> <p>23 quality of care that he gave you?</p>	<p>1 getting treated by these doctors.</p> <p>2 A. I have to call -- I had to</p> <p>3 report to him. He called me and told me I</p> <p>4 couldn't come in the building. He was in</p> <p>5 most of the meetings whenever anything</p> <p>6 happened, and he was the personnel</p> <p>7 manager.</p> <p>8 Q. Was Mr. Bryant ever rude to</p> <p>9 you on any occasion?</p> <p>10 A. No, he is not.</p> <p>11 Q. Did he ever say anything</p> <p>12 inappropriate to you?</p> <p>13 A. No.</p> <p>14 Q. Has he ever been anything</p> <p>15 other than completely polite to you?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you think he did</p> <p>18 anything to you because you are black?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. Did Mr. Bryant ever go</p> <p>21 with you on any visit to a doctor?</p> <p>22 A. No. They sent Donna Smith.</p> <p>23 Q. And who was Ms. Smith?</p>
Page 222	Page 224
<p>1 A. Not yet.</p> <p>2 Q. Are you suing Dr. Mathis?</p> <p>3 A. Not yet.</p> <p>4 Q. You say not yet. Do you plan</p> <p>5 on filing suit against Jeff Wade?</p> <p>6 A. I don't know.</p> <p>7 Q. Other than Mr. Bryant's</p> <p>8 apparently failing to properly supervise</p> <p>9 Jeff Wade and Dr. Katz, and other</p> <p>10 healthcare professionals, is there</p> <p>11 anything else that Mr. Bryant did that in</p> <p>12 any way humiliated you with your</p> <p>13 employment with Appleton Wire?</p> <p>14 A. I don't know about properly</p> <p>15 supervising them, but he is the personnel</p> <p>16 manager at Appleton Wire. And he was</p> <p>17 responsible for seeing to me -- seeing to</p> <p>18 the injured people receiving proper</p> <p>19 medical help.</p> <p>20 Q. From whom did you get -- I'm</p> <p>21 still trying to figure out what it is that</p> <p>22 a personnel manager -- what is it that you</p> <p>23 think he didn't do with respect to you</p>	<p>1 A. She was a nurse.</p> <p>2 Q. She is actually a medical</p> <p>3 professional?</p> <p>4 A. No. She was a nurse for</p> <p>5 Appleton Wire.</p> <p>6 Q. Did she work for the company?</p> <p>7 A. I assume, yes.</p> <p>8 Q. All right. Did Ms. Smith ever</p> <p>9 do anything -- Donna Smith ever do</p> <p>10 anything that humiliated you?</p> <p>11 A. Yes.</p> <p>12 Q. What did she do?</p> <p>13 A. She lied.</p> <p>14 Q. She lied?</p> <p>15 A. She told me I didn't need a</p> <p>16 lawyer. She listened to my complaints,</p> <p>17 and then she went back and she goes to the</p> <p>18 doctors before I could get there. She had</p> <p>19 already been in, she had already seen the</p> <p>20 doctor, and when I go, I was just being</p> <p>21 passed through.</p> <p>22 Q. So what is it that Ms. Smith</p> <p>23 did when she went to see these doctors?</p>

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1 A. I have no clue. She get their  
2 late, because sometimes you sit an hour or  
3 sometimes two hours before she got there.  
4 And then she would go in the back. They  
5 wouldn't call you. She will go in the  
6 back and she will commute with the  
7 doctors. Then when she came out the  
8 doctors would call you. She is already in  
9 your room.

10 And when you leave, they  
11 wouldn't -- we used to have to bring our  
12 reports back to the office. She would  
13 take -- I never received paperwork. I  
14 would never really know my diagnosis. I  
15 wouldn't know anything until one of them  
16 -- Ted would call me on the phone and say,  
17 "Dora, the doctor said this," or, "Dora,  
18 the doctor said that."

19 Q. Well, while you were in a  
20 doctor's offices you had an opportunity to  
21 ask the doctor questions, didn't you?

22 A. I have been told -- especially  
23 in Dr. Katz's office -- "No. We give this

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1 they -- but he -- I had the opportunity,  
2 but he would never answer me. The last  
3 time I was in there I was accused of being  
4 a problem in his office, because I asked a  
5 question. I stopped asking questions from  
6 all of them, because it was a problem  
7 asking questions.

8 Q. What did Mr. Johnston do that  
9 you believe humiliated you?

10 A. You haven't gotten that yet?  
11 You are still asking me about  
12 Mr. Johnston.

13 Q. I'm still trying to get a list  
14 of what specifically it is Mr. Johnston  
15 did that you allege constantly humiliated  
16 you.

17 A. Mr. Johnston have tried to get  
18 -- have tried -- anyway, he took my job.  
19 He wanted me to promise him that I  
20 couldn't -- that I wasn't in pain when I  
21 was in constant pain. He constantly tried  
22 to get me fired or fire me. And you don't  
23 see no humiliation there?

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1 to Ms. Smith."

2 Q. Are you telling me Dr. Katz  
3 wouldn't talk to you when you were there  
4 with a visit?

5 A. He would talk to me. But my  
6 paperwork -- when we leave, they gave --  
7 you know how the doctor give you a slip of  
8 paper or give you your diagnosis or give  
9 you something letting you know what you  
10 was in there for -- he wouldn't give  
11 them to me, he gave them to Donna Smith.

12 Q. While you were in Dr. Katz's  
13 office did you have an opportunity to ask  
14 Dr. Katz questions about your healthcare?

15 A. The reason I stopped asking  
16 doctors questions --

17 Q. That wasn't any question. Did  
18 you have an opportunity --

19 A. I'm going to let you know why  
20 anyway.

21 Q. You can tell me that in a  
22 minute.

23 A. I had the opportunity to, but

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1 Q. Did Mr. Johnston ever tell you  
2 that you were fired?

3 A. I don't know whether he did or  
4 not.

5 Q. Did Mr. Bryant ever tell you  
6 that you were fired?

7 A. No.

8 Q. Did Bob Hampsey ever tell you  
9 that you were fired?

10 A. No.

11 Q. Did Norma Heath tell you you  
12 were fired?

13 A. No.

14 Q. The meeting on October the  
15 29th, 2003; did anybody in that meeting  
16 tell you that you were terminated from  
17 Albany International?

18 A. When he told me he was calling  
19 the police on me, I was terminated then.

20 Q. All right. He said he was  
21 going to call the police. Did anybody in  
22 that meeting tell you that you were  
23 discharged from Albany International?

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<p>1 A. I don't remember.</p> <p>2 Q. Did anybody in that meeting</p> <p>3 show you any papers?</p> <p>4 A. I didn't see any papers. I</p> <p>5 saw a sheet of paper where I was</p> <p>6 constantly being harassed by attendance</p> <p>7 stuff. Everytime they got ready to write</p> <p>8 me up or check -- they would go back</p> <p>9 through the same attendance day. I don't</p> <p>10 even remember the date, because I spent my</p> <p>11 time trying to forget all of this mess.</p> <p>12 Q. Trying to forget all of what</p> <p>13 mess?</p> <p>14 A. This -- what I'm going</p> <p>15 through.</p> <p>16 Q. Trying to forget this lawsuit?</p> <p>17 A. No, not the lawsuit. Trying</p> <p>18 to hang onto my job. Trying to work.</p> <p>19 Trying to get them to treat me like they</p> <p>20 was treating everybody else, giving them</p> <p>21 proper medical care.</p> <p>22 Q. Name for me other people at</p> <p>23 the company who got proper medical care.</p>	<p>1 would send me, a voided check where I</p> <p>2 wasn't being paid.</p> <p>3 Q. Were you working?</p> <p>4 A. They took me off the job.</p> <p>5 Q. Were you working?</p> <p>6 A. No.</p> <p>7 Q. You didn't clock in or clock</p> <p>8 out for any hours at the company?</p> <p>9 A. No.</p> <p>10 Q. So why would the company owe</p> <p>11 you any money if you didn't do any hours</p> <p>12 of work?</p> <p>13 A. They didn't allow me to clock</p> <p>14 in and out. They pulled my time card.</p> <p>15 Q. Now, Doris Carter, did she get</p> <p>16 hurt at work?</p> <p>17 A. Yes. She had gotten hurt at</p> <p>18 work on several occasions.</p> <p>19 Q. On this occasion where you</p> <p>20 think they got her proper medical</p> <p>21 treatment but were denying you proper</p> <p>22 medical treatment, what were they treating</p> <p>23 Ms. Carter for?</p>
Page 230	Page 232
<p>1 A. Jean Carr, Doris Carter,</p> <p>2 Shirley Howard, Dottie -- Doris Cooley,</p> <p>3 Velma Sutton, Bessie Jones. And there are</p> <p>4 probably some more, I just can't remember.</p> <p>5 Q. We will talk about that</p> <p>6 document in a minute. You can hang on to</p> <p>7 it for a second.</p> <p>8 Did you ever go on any visits</p> <p>9 with Doris Carter to any doctor for any</p> <p>10 reason?</p> <p>11 A. No.</p> <p>12 Q. What medical treatment was</p> <p>13 Ms. Carter provided by Albany</p> <p>14 International?</p> <p>15 A. They didn't -- they didn't</p> <p>16 take her off a job. They didn't send her</p> <p>17 out wondering did she have a job. They</p> <p>18 didn't make sure that -- I worked -- they</p> <p>19 didn't give voided checks on payday.</p> <p>20 Q. When did you get a voided</p> <p>21 check?</p> <p>22 A. Almost three months I got a</p> <p>23 voided check, because that is what they</p>	<p>1 A. I don't know.</p> <p>2 Q. How do you know what kind of</p> <p>3 treatment they gave her?</p> <p>4 A. Because, like I said, no one</p> <p>5 lost their job behind work injuries but</p> <p>6 me.</p> <p>7 Q. Do you know what Ms. Carter</p> <p>8 was being treated for?</p> <p>9 A. No.</p> <p>10 Q. Do you know when she received</p> <p>11 this treatment?</p> <p>12 A. It was during the same time</p> <p>13 that I was, but I don't know what doctor</p> <p>14 she was going to.</p> <p>15 Q. Do you know what she was being</p> <p>16 treated for?</p> <p>17 A. No.</p> <p>18 Q. You don't know which doctor?</p> <p>19 A. No.</p> <p>20 Q. Do you know if her doctor</p> <p>21 released her to work with no restrictions?</p> <p>22 A. No.</p> <p>23 Q. Shirley Howard, when was she</p>



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<p>1 being treated by a doctor provided by the 2 company? 3 A. I think both of her wrists she 4 had surgery, and I think her lower back. 5 She even laughed at me. She said -- 6 before she retired, she said, "Dora, you 7 mean to tell me all this time they are not 8 helping you, they are not giving you any 9 medical help." And she told me she had 10 received her -- 11 Q. Received what help? 12 A. I think she had back surgery. 13 I'm not for sure. 14 Q. She received what help? 15 A. From the company. Medical 16 help. 17 Q. What kind of medical help? 18 A. For injuries. Both wrists. 19 Whatever you call it. Carpal tunnel 20 syndrome and lower back, I believe. 21 Q. All right. Did she file 22 Workers' Comp claims for her wrists? 23 A. Yes.</p>	<p>1 Q. What were her restrictions? 2 A. Probably -- well -- 3 Q. Do you know what? 4 A. Filing -- I will tell you what 5 I saw. I saw them filing -- something of 6 that sort. 7 Q. And how long did she file? 8 A. I don't know. 9 Q. What was her normal job? 10 A. Seaming operator. 11 Q. Did Ms. Howard go back to 12 being a seaming operator? 13 A. Yes. 14 Q. And then she subsequently 15 retired? 16 A. Yes. 17 Q. Do you know if the company 18 provided the doctor who treated her for 19 carpal tunnel? 20 A. Yes. 21 Q. Do you have some idea of why 22 it is that the company would have provided 23 qualified medical care for these other</p>
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<p>1 Q. Was she treated by some doctor 2 provided by the company? 3 A. Dr. Palmer was the one who 4 told me he had treated the other women. 5 Q. Do you know if Dr. Palmer 6 treated Ms. Howard? 7 A. Yes. 8 Q. How do you know that? 9 A. I believe that's who she told 10 me. I think Dr. Palmer -- yeah, that was 11 the doctor, Dr. Palmer. 12 Q. Do you know what treatment 13 Dr. Palmer gave Ms. Howard? 14 A. Carpal tunnel syndrome. 15 Q. Do you know what specific 16 treatment he gave her for her injury? 17 A. Surgery. 18 Q. Did she come back to work 19 after the surgery? 20 A. Yes. 21 Q. Do you know if he placed her 22 on any type of restrictions? 23 A. I believe so.</p>	<p>1 individuals and would not have provided 2 you quality medical care? 3 A. Discrimination. 4 Q. For what reason? 5 A. I have no clue. 6 Q. Do you think that they -- the 7 company somehow intentionally picked poor 8 quality doctors because you are black? 9 A. I don't know why they -- be 10 honest with you, a lot of times they 11 didn't -- the company didn't pick the 12 doctor. Donna picked the doctors. 13 Q. So you think Donna was 14 intentionally sending you -- 15 A. I told Donna -- 16 Q. Do you think Donna was picking 17 doctors -- intentionally picking lower 18 quality doctors for you for discriminatory 19 reasons? 20 A. I won't say that the doctors 21 was lower quality doctors. I just believe 22 she picked doctors that would do her 23 favors.</p>

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1 Q. That would do what; say there  
2 wasn't anything wrong with you so you  
3 could go to work?  
4 A. Yes. I believe that.  
5 Q. Did any doctor ever tell you  
6 that they were doing her a favor and were  
7 intentionally, in spite of knowing that it  
8 was wrong, giving false medical testimony  
9 on your part?  
10 A. No, they never told me.  
11 Q. Are you accusing Dr. Katz of  
12 doing that?  
13 A. Yes.  
14 Q. Are you accusing Dr. Wade of  
15 doing that?  
16 A. Yes, sir.  
17 Q. Any other doctors that you are  
18 accusing of intentionally providing the  
19 company false information about your  
20 physical condition?  
21 A. I want to tell you about  
22 Dr. Miller. Dr. Miller -- he gave me a  
23 nerve damage test. And when he did the

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1 nerve damage test, he would stick me and  
2 he wouldn't get a response. Then he would  
3 take the needle and just poke it in me.  
4 And I would just lay there and tremble and  
5 let them know the excruciating pain I was  
6 in. He didn't do anything but just finish  
7 the test.  
8 Q. Who is Dr. Miller?  
9 A. Caudill Miller. He was one of  
10 Donna's picked doctor.  
11 Q. What did Dr. Miller treat you  
12 for?  
13 A. Nerve damage. He was a  
14 neurologist or neuro something.  
15 Q. When --  
16 A. In the process I received two  
17 nerve damage tests.  
18 Q. What process?  
19 A. Lower extremity the first  
20 time, upper and lower extremities the  
21 second time.  
22 Q. What year?  
23 A. 2001, 2002. Some of those

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1 times.  
2 Q. So Dr. Miller is on the list  
3 of your treating doctors that you are  
4 alleging intentionally gave the company  
5 misleading information about your physical  
6 condition?  
7 A. Let me -- he is on the list.  
8 Let me tell you about Dr. Garrison. I  
9 went to him -- the first time I went to  
10 Dr. Garrison, this -- I have a -- I have  
11 proof. I have a witness. He -- when I  
12 got there, the nurse, Karen, told them  
13 that this is not job related. So if you  
14 are going to a doctor's office and before  
15 you get -- if they see you coming, they  
16 decide that it is not job related, what  
17 kind of -- what kind of care do you expect  
18 to get.  
19 But the second visit, he told  
20 me, Dora -- he told me -- he gave me some  
21 generics. I don't know the list. He gave  
22 me three different medicines, generic. He  
23 told me to go to the generic store and get

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1 these and take these. He told me to run  
2 four miles, and when I start dragging my  
3 leg to come back and see him.  
4 Q. When did you go see  
5 Dr. Garrison?  
6 A. This was 2003. This was at  
7 the end -- coming into the end.  
8 Q. Was he one of your Workers'  
9 Comp doctors?  
10 A. He was a Workers' Comp doctor.  
11 Q. Had you ever been to  
12 Dr. Garrison before?  
13 A. No.  
14 Q. First time you had ever been  
15 there?  
16 A. Yes. The first time I went,  
17 it was the nurse. The second time I went,  
18 it was Dr. Garrison. Donna Smith was at  
19 his visits.  
20 Q. What kind of doctor is  
21 Dr. Garrison?  
22 A. Industrial something --  
23 medicine.

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<p>1 Q. Did he give you a functional 2 capacity exam; is that what he did? 3 A. I don't remember. 4 Q. All right. So we have got 5 Dr. Wade, Dr. Katz, Dr. Miller, and 6 Dr. Garrison, all of whom somehow you 7 claim gave either false or, at least, 8 misleading medical information about you 9 to the company? 10 A. I don't know what kind of 11 information they gave to the company. I 12 know how I was treated in their office. 13 Q. All right. Let's talk about 14 that. 15 (WHEREUPON, a document was 16 marked as Defendant's Exhibit 9 and is 17 attached to the original transcript.) 18 Q. We have marked this as 19 Defendant's Exhibit 9. 20 A. All right. 21 Q. Whenever you are done looking 22 through it, you just let me know. 23 A. I'm okay. I was just looking.</p>	<p>1 Q. All right. Do you recall 2 reviewing this document with -- it looks 3 like Norma Heath and Mr. Kelly? 4 A. I remember. 5 Q. You do recall reviewing this 6 document with Ed Kelly? 7 A. Ed Kelly -- I remember -- I 8 think I remember, yeah. 9 Q. All right. I see attached to 10 this what looks like a printout, two 11 pages, called an attendance report. Do 12 you see that? 13 A. Yes. 14 Q. Did you ever see one of these 15 while you worked for the company? 16 A. Yes. 17 Q. Now, this has got your name, 18 Dora Davis. Is that your employee number? 19 A. Let's see. Yes. 20 Q. Zero zero eight nine one? 21 A. I just remember eighty-nine. 22 I used eighty-nine. 23 Q. And this looks like a list of</p>
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<p>1 Q. Have you had a chance to 2 review what has been marked as Exhibit 9 3 to your deposition? 4 A. Yes. 5 Q. Do you recognize this? 6 A. I don't know whether I do or 7 not. 8 Q. All right. Who is Ed Kelly? 9 A. He was a department 10 supervisor. 11 Q. Seaming? 12 A. Yes. 13 Q. Would he have come after 14 Barbara Smith as the supervisor in 15 seaming? 16 A. He was the supervisor for 17 finishing. So we didn't have a 18 permanent -- we only had one supervisor 19 for the seaming, and they only worked day 20 shift. The supervisor from finish would 21 come back and check on it or they were 22 responsible for seaming if we was on 23 second or third shift.</p>	<p>1 all of your absences from work from August 2 the 22nd, 2003, back to August the 29th, 3 2002. Does that look like what it is? 4 A. I don't -- I see the dates. I 5 see the review. I don't remember exactly 6 when I was off and what. 7 Q. Fair enough. If you could 8 remember every one of your absences over a 9 twelve-month period, I would be impressed. 10 I see on here, though -- I 11 just want to ask you some -- just a few 12 questions about what is noted on here. I 13 see some -- clearly some dates on here 14 where you are out that says Workmans' 15 Comp, correct? 16 A. Yes. 17 Q. And there is a column over 18 here and it says number of occurrences. 19 Do you see that column? 20 A. Yes. Yeah. 21 Q. So if I am reading this 22 correctly, it looks like if you were out 23 for Workers' Comp you were not charged an</p>

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<p>1 occurrence; is that correct?</p> <p>2 A. That's right.</p> <p>3 Q. You were not getting an</p> <p>4 occurrence under the company attendance</p> <p>5 policy that could ultimately result in</p> <p>6 discharge?</p> <p>7 A. Yes.</p> <p>8 Q. All right. I also see some</p> <p>9 dates on here -- it looks like three days</p> <p>10 in September of 2002 where you were out on</p> <p>11 family medical leave. Do you see those?</p> <p>12 A. Yes.</p> <p>13 Q. And then there are some that</p> <p>14 look like in November of '02 and then some</p> <p>15 others spread out over the dates. Is</p> <p>16 there any specific instance where -- how</p> <p>17 did you go about getting family and</p> <p>18 medical leave at Albany?</p> <p>19 A. These occasions I had to -- I</p> <p>20 had to have gone to a doctor and he took</p> <p>21 me off work for some reason. I don't</p> <p>22 remember the reason.</p> <p>23 Q. Okay. Fair enough. Did you</p>	<p>1 A. No.</p> <p>2 Q. Is there any instance where</p> <p>3 you asked for family medical leave from</p> <p>4 Albany, backed up by a doctor's</p> <p>5 representation that you needed to be off,</p> <p>6 that Albany denied the request?</p> <p>7 A. No.</p> <p>8 Q. All right. Now, we are done</p> <p>9 with that one.</p> <p>10 During this meeting on October</p> <p>11 the 29th -- I have only got one other copy</p> <p>12 of that. Just take a minute and read over</p> <p>13 that.</p> <p>14 (Pause)</p> <p>15 Q. Have you had a chance to look</p> <p>16 over what we are going to mark as Exhibit</p> <p>17 10 to your deposition.</p> <p>18 (WHEREUPON? A document was</p> <p>19 marked as Defendant's Exhibit 10 and is</p> <p>20 attached to the original transcript.)</p> <p>21 A. Not yet.</p> <p>22 Okay.</p> <p>23 Q. Have you ever seen that</p>
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<p>1 have to go to Linda Jones or Ted Bryant to</p> <p>2 get family medical leave at Albany?</p> <p>3 A. Yes.</p> <p>4 Q. Could you go to either</p> <p>5 Mr. Bryant or Ms. Jones, or who did you go</p> <p>6 to?</p> <p>7 A. We went to Ms. Jones. We only</p> <p>8 went to Ted if Ms. Jones wasn't available.</p> <p>9 Q. Any occasion that you recall</p> <p>10 where you asked for family medical leave</p> <p>11 that the company said no?</p> <p>12 A. The only time is when I asked</p> <p>13 for family leave and you -- the only</p> <p>14 reason you received it was because a</p> <p>15 doctor would take you off. When I was in</p> <p>16 a lot of pain, I would say, look, would --</p> <p>17 I have asked them to allow me to heal, and</p> <p>18 I was never granted that.</p> <p>19 Q. Well, on the occasions where</p> <p>20 you asked them to give you time off to let</p> <p>21 you heal, did a doctor tell the company</p> <p>22 there was a medical reason that you needed</p> <p>23 to be out of work?</p>	<p>1 before?</p> <p>2 A. Yes. I believe so, yes.</p> <p>3 Q. When did you see it?</p> <p>4 A. September the 29th.</p> <p>5 Q. September or October?</p> <p>6 A. October. Sorry.</p> <p>7 Q. That's all right.</p> <p>8 Who showed you this document?</p> <p>9 A. I believe Ted did.</p> <p>10 Q. Was this during the meeting on</p> <p>11 October the 29th with Bob Hampsey, Norma</p> <p>12 Heath, Jeff Johnston, Mr. Bryant, and</p> <p>13 yourself?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. As I read this, it</p> <p>16 appears to me to simply be sort of a</p> <p>17 summary for you of where you stand under</p> <p>18 the company's attendance policy. I mean,</p> <p>19 did this memo in any way result in any</p> <p>20 disciplinary action against you?</p> <p>21 A. Yes.</p> <p>22 Q. What discipline was taken</p> <p>23 against you because of this memo?</p>

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<p>1 A. It's a warning.</p> <p>2 Q. Well, does this document</p> <p>3 constitute a warning under the attendance</p> <p>4 policy?</p> <p>5 A. Any time you were -- you were</p> <p>6 -- this was called to your attention, and</p> <p>7 they, you know, reminded you of your</p> <p>8 attendance, it was a warning, but it was a</p> <p>9 verbal.</p> <p>10 Q. Okay. I see at the last typed</p> <p>11 paragraph, "We value your years of service</p> <p>12 with our company and it is our sincere</p> <p>13 hope that your future attendance record</p> <p>14 stay within the acceptable guidelines of</p> <p>15 our plant attendance policy."</p> <p>16 A. Yes.</p> <p>17 Q. That doesn't sound like to me</p> <p>18 that they want to do anything other than</p> <p>19 make sure you don't accrue enough</p> <p>20 occurrences to lose your job. I mean, am</p> <p>21 I missing something in this document? It</p> <p>22 appears to me that this is just to remind</p> <p>23 you where you are on the attendance</p>	<p>1 about three warnings because of that</p> <p>2 date. And I constantly -- everytime they</p> <p>3 would give me a warning, I would remind</p> <p>4 them that that was a visit to the</p> <p>5 emergency room.</p> <p>6 Q. It looks like here they</p> <p>7 removed a warning from your file because</p> <p>8 they determined that one absence shouldn't</p> <p>9 have counted against you. It looks like</p> <p>10 they took a warning out. Isn't that what</p> <p>11 they did?</p> <p>12 A. They took it out. This was</p> <p>13 after -- I had been constantly warned on</p> <p>14 this day at least three times or more.</p> <p>15 Q. But this says -- and you</p> <p>16 agree -- that they took that warning out</p> <p>17 of your record?</p> <p>18 A. They say they took it out.</p> <p>19 Q. All right. You were subject</p> <p>20 to the same attendance policy as every</p> <p>21 other employee in the Montgomery plant?</p> <p>22 A. Yes, I guess.</p> <p>23 Q. Do you have any indication</p>
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<p>1 policy.</p> <p>2 A. There was a -- this is part of</p> <p>3 a constant harassment. I mean, they put</p> <p>4 this here to all sound pretty. When you</p> <p>5 are going through all of this -- the</p> <p>6 warnings and the verbal -- the verbal</p> <p>7 warnings, the written warnings, it is</p> <p>8 constant harassment.</p> <p>9 Q. You mean receiving an</p> <p>10 attendance warning constitutes harassment?</p> <p>11 A. Yes, because, see -- see, in</p> <p>12 these you got a warning not year-to-year,</p> <p>13 you got it year-to-date. It was like you</p> <p>14 didn't do twelve years -- twelve days a</p> <p>15 year, you did it year-to-date. It is like</p> <p>16 before a day could come off it was half</p> <p>17 into another year. It was like from 2001</p> <p>18 to 2002. It was like September, 2001,</p> <p>19 till September, 2002. This was a constant</p> <p>20 -- like, for instance, this one right</p> <p>21 here, November 8, 2002 --</p> <p>22 Q. Right.</p> <p>23 A. -- I had received probably</p>	<p>1 that the policy was applied to you any</p> <p>2 differently than the way it was applied to</p> <p>3 any other employees in Montgomery?</p> <p>4 A. I have no clue.</p> <p>5 Q. Okay. We have marked this as</p> <p>6 Exhibit 10.</p> <p>7 Now, during this meeting on</p> <p>8 October 29 -- let me put a sticker on</p> <p>9 that.</p> <p>10 (WHEREUPON, a document was</p> <p>11 marked as Defendant's Exhibit 11 and is</p> <p>12 attached to the original transcript.)</p> <p>13 Q. We have marked that Exhibit</p> <p>14 11. Just read over it and let me know</p> <p>15 when you have had a chance to look at it.</p> <p>16 (Pause)</p> <p>17 Q. Have you had a chance to look</p> <p>18 over what we have marked as Exhibit 11?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever seen that</p> <p>21 document before?</p> <p>22 A. Yes.</p> <p>23 Q. All right. When did you see</p>



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<p>1 it?</p> <p>2 A. October the 29th.</p> <p>3 Q. Who gave it to you?</p> <p>4 A. Ted Bryant, I assume.</p> <p>5 Q. Anywhere in the text of this</p> <p>6 letter did anybody at the company tell you</p> <p>7 you were discharged?</p> <p>8 A. No.</p> <p>9 Q. Were you allowed to keep a</p> <p>10 copy of this letter after that meeting?</p> <p>11 A. I don't remember.</p> <p>12 Q. Okay. I see on the second</p> <p>13 page, next to last paragraph, it looks</p> <p>14 like the company is offering to allow you</p> <p>15 to remain on inactive status for some</p> <p>16 period of time while you try to resolve</p> <p>17 your medical issues. Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. Is something unfair about -- I</p> <p>20 mean, the way this letter reads to me,</p> <p>21 Ms. Davis, Mr. Bryant and Mr. Johnston and</p> <p>22 the folks at Albany were bending over</p> <p>23 backwards to try to find a way to</p>	<p>1 that I was not in pain. He was telling me</p> <p>2 that I needed to go get a doctor to take</p> <p>3 me off. In terms I was telling him, "You</p> <p>4 give me a doctor that will take me off. I</p> <p>5 don't have a doctor that will take me</p> <p>6 off."</p> <p>7 Q. During this meeting on October</p> <p>8 the 29th, 2003, you resigned from Albany.</p> <p>9 A. No, I did not.</p> <p>10 Q. You didn't?</p> <p>11 A. No.</p> <p>12 Q. You didn't tell anybody at the</p> <p>13 company you were resigning?</p> <p>14 A. No. I told them that I was</p> <p>15 applying -- I had applied for my state</p> <p>16 disability.</p> <p>17 Q. And what did you want them to</p> <p>18 do, just leave you off work waiting on the</p> <p>19 results of that?</p> <p>20 A. No. I wanted them to send me</p> <p>21 to a reputable doctor and get me some</p> <p>22 medical help. Attend to the lower disks,</p> <p>23 the four disks in my lower back, the four</p>
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<p>1 accommodate your doctor saying that you</p> <p>2 could work and you saying you were in</p> <p>3 pain.</p> <p>4 A. It's like I say, I knew</p> <p>5 nothing about an inactive status. I was</p> <p>6 taken off the job.</p> <p>7 Secondly, it was not my</p> <p>8 doctors. I was going to doctors that they</p> <p>9 assigned me to, which they knew that I was</p> <p>10 there unhappy with, because no one was</p> <p>11 doing anything for me.</p> <p>12 When I got to that building, I</p> <p>13 was told by Jeff Johnston he was going to</p> <p>14 have me arrested.</p> <p>15 Q. When you got there --</p> <p>16 A. In this meeting. In this</p> <p>17 meeting. I was told by Jeff Johnston he</p> <p>18 was going to call the police on me.</p> <p>19 Q. Why was he going to call the</p> <p>20 police on you?</p> <p>21 A. Because I wasn't agreeing to</p> <p>22 the -- him. I didn't say what he liked.</p> <p>23 He was telling me that I would have to say</p>	<p>1 disks in my neck, my wrists, and this</p> <p>2 rotator tear scar tissue.</p> <p>3 Q. Who qualifies as a reputable</p> <p>4 doctor?</p> <p>5 A. I have no clue.</p> <p>6 Q. Do you think board</p> <p>7 certification is an indication of the</p> <p>8 quality of a doctor?</p> <p>9 A. I don't know what they do.</p> <p>10 Q. Well, I mean, you wanted them</p> <p>11 to send you to another doctor. As far as</p> <p>12 I can tell from your testimony and your</p> <p>13 record, they -- the company, over the</p> <p>14 course of about fifteen years, had sent</p> <p>15 you to a lot of doctors --</p> <p>16 A. True.</p> <p>17 Q. -- for a lot of treatment.</p> <p>18 I'm trying to determine what</p> <p>19 it is that you think Mr. Bryant and</p> <p>20 Mr. Johnston on October the 29th, 2003,</p> <p>21 still owed you in the way of medical</p> <p>22 treatment.</p> <p>23 A. They did not correct the</p>

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1 injuries. They were not corrected. The  
2 four disks in my neck is still hurting me,  
3 the lower back is still hurting me, the  
4 wrists are still hurting me. I can barely  
5 use this hand. I can't stand for it to  
6 touch anything. So nothing went away.  
7 The shoulder -- I'm still dropping  
8 things. I'm still burning my hands when I  
9 attempt. I can't open a jar.

10 Q. I will mark this as Exhibit

11 12. Take a look at that for me.

12 (WHEREUPON, a document was  
13 marked as Defendant's Exhibit 12 and is  
14 attached to the original transcript.)

15 A. I don't remember this.

16 Q. You have had a chance to look  
17 over what we have marked as Exhibit 12?

18 A. Yes.

19 Q. Okay. Are you saying that you  
20 don't remember that document?

21 A. I don't remember that.

22 Q. Look down there next to  
23 employee's comments; is that your

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1 signature?

2 A. That's my signature.

3 Q. Even though you recognize your  
4 signature, you just don't remember  
5 receiving this document?

6 A. No. I have never seen that  
7 before.

8 Q. Well, how do you figure your  
9 signature got on it?

10 A. I don't know. Ask them.

11 Q. Are you accusing Mr. Bryant of  
12 forging your signature?

13 A. He didn't forge my signature.  
14 But he didn't fill that paperwork out on  
15 my behalf -- in my presence.

16 Q. How do you think your  
17 signature got on there?

18 A. I guess he -- I signed papers  
19 after the fact -- before the fact.

20 Q. Before what fact?

21 A. Before he filled those papers  
22 out.

23 Q. You don't recall seeing this

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1 document at all?

2 A. I have never seen this.

3 Q. Okay. Do you ever recall  
4 seeing a document that looks like that?

5 A. I don't remember this.

6 Q. It is referenced on the first  
7 line of Exhibit 12, Voluntary Resignation  
8 Form.

9 A. This --

10 Q. No. Exhibit --

11 A. I know what you said. I'm  
12 fixing to tell you what I'm confused  
13 with.

14 This is the only sheet of  
15 paper I saw. I never saw those two piece  
16 of paper. When I left there I was told by  
17 Ted Bryant, "We are going to send you some  
18 documents." I have not seen those  
19 documents. When I saw a document -- I got  
20 a letter in the mail -- a certified letter  
21 in the mail telling me -- I don't even  
22 exactly know what it was. I have never  
23 seen these papers before.

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1 Q. You got a certified letter in  
2 the mail?

3 A. Telling me something about  
4 termination.

5 Q. Something about --

6 A. That I was terminated.

7 Q. You said you got a letter that  
8 said you were fired?

9 A. I was terminated. It's on  
10 that sheet. I called -- who did I call --  
11 I called somebody and asked them, "Okay,  
12 what does termination mean." I asked them  
13 what did termination mean. I told them  
14 give me all of their definitions of  
15 terminated.

16 Q. Who did you call? Did you  
17 call somebody in New York, somebody in  
18 Montgomery? Where were they?

19 A. I called New York once, too,  
20 but I didn't get any response from New  
21 York. I called -- I called -- it had to  
22 be either -- if it wasn't the employment  
23 office, it was -- the worker's division.

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<p>1 Somebody I called. I don't remember 2 exactly who I called. 3 Q. I'm just going to attach this 4 as Exhibit 13 to your deposition. 5 (WHEREUPON, a document was 6 marked as Defendant's Exhibit 13 and is 7 attached to the original transcript.) 8 Q. You said that you got a 9 certified letter. 10 (WHEREUPON, a document was 11 marked as Defendant's Exhibit 14 and is 12 attached to the original transcript.) 13 Q. Is that the letter that you 14 are referring to? 15 A. Yes. 16 Q. All right. Do you know -- do 17 you recognize the signature on that 18 document? 19 A. No. 20 Q. Do you know anybody named 21 Linda Forget? 22 A. No. 23 Q. Any reason to believe that</p>	<p>1 A. One time I was working the 2 machine and this woman left a banana peel 3 on the table. I asked her to move it 4 off. He told me to take it off. 5 Q. Any other occasions where 6 Mr. Johnston shouted or yelled at you? 7 A. Mostly these meetings -- those 8 meetings that I would go to. 9 Q. Did he ever use any profanity 10 in your presence? 11 A. I don't think so. 12 Q. Ever use abusive language? 13 A. Well, I felt it was abusive 14 when he accused -- wanted to call the 15 police on me. 16 Q. Okay. 17 A. When he told me to get the 18 banana peel. 19 Q. He didn't actually call the 20 police on you, did he? 21 A. No, he didn't. 22 Q. Did anybody at Albany ever 23 have you arrested for any reason?</p>
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<p>1 Ms. Forget ever did anything to you 2 because of your race? 3 A. I have no clue. 4 Q. All right. If I read this 5 right, this looks like it is simply a 6 letter explaining to you what your 7 retirement benefits are from the company. 8 A. The second paragraph. 9 Q. Did Mr. Johnston ever yell at 10 you? 11 A. Yes. 12 Q. When? 13 A. Separate occasions. 14 Q. List them for me. 15 A. The last one when he 16 threatened to call the police on me. 17 Q. Okay. So we have got he 18 shouted at you on October the 29th of 19 2003. Are there any other occasions? 20 A. When he told me to go in the 21 office -- see him in the office. 22 Q. All right. That's two. Any 23 other occasions?</p>	<p>1 A. No. 2 Q. The banana peel, when did that 3 happen? 4 A. It was earlier. I don't know 5 exactly the year or the date. I came in 6 behind a woman and I had to clean up for 7 her. I constantly reminded him that this 8 person was leaving filth. One of our job 9 descriptions is that you clean up your 10 area. And I went -- everytime -- I had to 11 clean up behind her. 12 So this one morning he came -- 13 I believe he was a department manager. He 14 came to the department. I asked him -- I 15 asked him to ask her to clean up behind 16 herself, and he told me to remove the 17 banana peel. 18 Q. Who was the employee who left 19 the banana peel? 20 A. It was Evelyn Morgan. 21 Q. And at the time of this banana 22 peel incident, Mr. Johnston was the 23 seaming department manager?</p>

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<p>1 A. I think so.</p> <p>2 Q. After Mr. Johnston asked you</p> <p>3 to move the banana peel, did you go talk</p> <p>4 to Mr. Bryant in Human Resources?</p> <p>5 A. No.</p> <p>6 Q. Did you try to contact George</p> <p>7 Kazalay about it?</p> <p>8 A. No.</p> <p>9 Q. We have got one handy. I will</p> <p>10 mark this as Exhibit 15.</p> <p>11 (WHEREUPON, a document was</p> <p>12 marked as Defendant's Exhibit 15 and is</p> <p>13 attached to the original transcript.)</p> <p>14 Q. Here is what I want to do.</p> <p>15 I'm just -- your lawyers have provided me</p> <p>16 the names of some folks who may have</p> <p>17 information related to your case. I kind</p> <p>18 of want to go through these folks and see</p> <p>19 who they are and see what it is you think</p> <p>20 they know.</p> <p>21 Who is Glenda Missildine?</p> <p>22 A. She used to work for the</p> <p>23 company.</p>	<p>1 Ms. Missildine, what is her race?</p> <p>2 A. White.</p> <p>3 Q. And what is it that you</p> <p>4 believe Ms. Missildine may know about your</p> <p>5 claims in this case?</p> <p>6 A. She and I worked close</p> <p>7 together, and we was always helping each</p> <p>8 other out. But in reference to Glenda,</p> <p>9 her situation and my situation is similar.</p> <p>10 Q. In what way?</p> <p>11 A. They just did her the same</p> <p>12 way. She just got out of the plant. They</p> <p>13 dismissed her.</p> <p>14 Q. So it's your belief that the</p> <p>15 company treated Ms. Missildine the same</p> <p>16 way it treated you?</p> <p>17 A. If not, close.</p> <p>18 Q. Okay. Did she also have</p> <p>19 workplace injuries?</p> <p>20 A. Yes.</p> <p>21 Q. And she was then moved out of</p> <p>22 the company; is that your belief?</p> <p>23 A. Yes.</p>
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<p>1 Q. What did she do?</p> <p>2 A. She was a seamer.</p> <p>3 Q. And did you work with</p> <p>4 Ms. Missildine in the seaming department?</p> <p>5 A. Yes.</p> <p>6 Q. And you say she used to work</p> <p>7 for the company. Is she gone?</p> <p>8 A. Yes.</p> <p>9 Q. Was she gone before you were?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know how far in advance</p> <p>12 of your departure from Albany</p> <p>13 Ms. Missildine left?</p> <p>14 A. I don't know exactly.</p> <p>15 Q. I mean, any idea? A year, two</p> <p>16 years, five years?</p> <p>17 A. Maybe about five years, I</p> <p>18 guess. I don't know.</p> <p>19 Q. She has been gone about five</p> <p>20 years or she left about five years before</p> <p>21 you did?</p> <p>22 A. Left about five years before.</p> <p>23 Q. All right. And</p>	<p>1 Q. Okay. Have you spoken to her</p> <p>2 at all since she left the company?</p> <p>3 A. Yes.</p> <p>4 Q. Do you keep in touch with her?</p> <p>5 A. I haven't talked to her in a</p> <p>6 long time.</p> <p>7 Q. Okay. Have you talked to her</p> <p>8 about this lawsuit at all?</p> <p>9 A. Yes.</p> <p>10 Q. All right. When did you do</p> <p>11 that?</p> <p>12 A. When I filed it.</p> <p>13 Q. When you filed the federal</p> <p>14 court lawsuit, the state court lawsuit?</p> <p>15 A. Both lawsuits.</p> <p>16 Q. Okay. Do you have a phone</p> <p>17 number for her? Do you know how to reach</p> <p>18 her?</p> <p>19 A. Phone book. I have to look in</p> <p>20 the phone book.</p> <p>21 Q. What did you tell her about</p> <p>22 your lawsuit?</p> <p>23 A. I just told her that -- the</p>

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<p>1 things that I had gone through. And I 2 told her -- I asked her would she be a 3 witness. 4 Q. All right. Did you tell her 5 that you were suing the company? 6 A. Yes. 7 Q. Did you tell her you were 8 suing Jeff Johnston? 9 A. No. No, I didn't. 10 Q. Okay. Jerelene Forest, who is 11 she? 12 A. She was a co-worker. 13 Q. And Ms. Forest's race is? 14 A. Black. 15 Q. She was also a seamer? 16 A. Yes. 17 Q. Was she still with the company 18 at the time you left? 19 A. No. 20 Q. And how far in advance of your 21 departure from Albany did Ms. Forest 22 leave? 23 A. It was some months. I don't</p>	<p>1 A. No, she didn't go on no 2 doctors' visits. 3 Q. All right. Did Ms. Forest 4 ever tell you that she believed that she 5 was in any way treated differently by 6 anybody at Albany? 7 A. Yes. 8 Q. Who? 9 A. I don't remember names, but it 10 has been brought up. 11 Q. When did she bring that up to 12 you? 13 A. Throughout the years. 14 Q. Anything in particular that 15 you recall her mentioning? 16 A. Discrimination, prejudice. 17 Q. Was Ms. Forest already 18 employed at Albany when you were hired in 19 1979? 20 A. Yes. 21 Q. And do you recall any specific 22 person at Albany that Ms. Forest said that 23 she thought was prejudiced?</p>
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<p>1 know how many months, but it was months. 2 Q. Do you know why she left the 3 company? 4 A. First she went off with both 5 wrists. She had surgery on both wrists. 6 And then personal illness. 7 Q. Do you know what the nature of 8 that illness was? 9 A. I don't know. 10 Q. What is it that you believe 11 Ms. Forest knows that relates to your 12 case? 13 A. She can attest to everything 14 that I have told you today. Almost 15 everything. 16 Q. Did -- 17 A. She has been a witness, and -- 18 Q. She has been a witness to 19 which events? 20 A. All of them except for the 21 October 29th situation. 22 Q. Did she go on the doctor 23 visits with you?</p>	<p>1 A. She told me that all of them 2 was prejudiced. 3 Q. Everybody in the plant? 4 A. She told me that all of them 5 was prejudiced. That's just -- that's 6 what she said. 7 Q. Did she explain who them was? 8 A. No. 9 Q. So does that mean everybody 10 else that worked in the plant? 11 A. I don't know. 12 Q. All right. Did she tell you 13 specifically what she meant when she was 14 talking about discrimination? 15 A. Because she had problems with 16 wire assignments. She was one of the 17 better operators. She would be placed in 18 areas to work fabrics that others didn't 19 want to work. She heard racial slurs. 20 She felt that it was a discriminatory, if 21 I am saying it right, practice in the 22 plant about -- against blacks and whites. 23 Q. What practice?</p>



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<p>1 A. Favorable wire assignments, 2 hiring positions. A black person can only 3 go this far, and that was it. 4 Q. You mentioned that Ms. Forest 5 had some knowledge of racial slurs. Did 6 you ever -- while you were in Ms. Forest 7 presence, did you ever hear any racial 8 slurs in the plant? 9 A. Yes, because during the time 10 -- I'm trying to think. Well, in the 11 seaming department, she would be familiar 12 like with most -- I can't speak for 13 Ms. Forest. You know, I can't speak for 14 Ms. Forest. 15 Q. Did she ever tell you what 16 racial slurs she came to have heard in the 17 plant? 18 A. Yes. 19 Q. What did she tell you? 20 A. Niggers. What is it -- 21 something about the gators. Just 22 different things. Gator bait. Different 23 stuff.</p>	<p>1 the term "Nigger"? 2 A. It's been awhile. I can't 3 tell you when, what time, or how. But 4 it's been awhile. 5 Q. Awhile meaning ten years, 6 fifteen years? 7 A. It hadn't been fifteen years. 8 It hasn't been ten years. It's maybe five 9 or six years, something like that. 10 Q. She said that she heard it in 11 the last five or six years, or she told 12 you that five or six years ago? 13 A. It had to be a sooner time 14 that she told me. 15 Q. Who is Katherine Davis? 16 A. Another co-worker. 17 Q. Is she black or white? 18 A. She is black. 19 Q. Also a seamer? 20 A. Yes. 21 Q. Was she already with Albany 22 when you got heard? 23 A. Yes.</p>
Page 274	Page 276
<p>1 Q. Did she tell you who she had 2 heard use the term "Nigger"? 3 A. She -- well, for one person -- 4 I believe it was Dottie. It was Dottie. 5 Q. Do you remember Dottie's last 6 name? 7 A. Brown or Hassell. I guess 8 those are the only two she had. 9 Q. Did she you ever hear Dottie 10 use that term? 11 A. Let's see. I don't exactly 12 remember. You know, I don't exactly 13 remember. I know I have heard of it, but 14 I don't remember. 15 Q. As you sit here today, you 16 have no specific recollection of hearing 17 somebody use the term "Nigger" during your 18 employment with Albany? 19 A. I can't say that. I can't put 20 a finger on when I heard these terms, but 21 I have heard that term. 22 Q. All right. When did Jerelene 23 tell you that she had heard somebody use</p>	<p>1 Q. Was Glenda Missildine already 2 with Albany when you were hired? 3 A. Yes. She had been, but then 4 she came back. She had been and came 5 back. 6 Q. All right. Katherine Davis, 7 was she still employed when you left the 8 company? 9 A. Yes. 10 Q. Does she still work for the 11 company? 12 A. No. 13 Q. Okay. What is it that you 14 believe Ms. Davis knows about your claims 15 in this case? 16 A. I don't know. 17 Q. Have you ever talked to her 18 about your lawsuit? 19 A. Yes. 20 Q. Did you call each -- well, did 21 you call Jerelene Forest about your 22 lawsuit? 23 A. Yes.</p>

Page 277	Page 279
<p>1 Q. So you talked to Ms. Forest 2 about your case? 3 A. Yes. 4 Q. Did you talk to Katherine 5 Davis about your case? 6 A. Yes. 7 Q. During the time that Ms. Davis 8 was employed with the company, did 9 Ms. Davis report to you that she thought 10 that she had been treated differently than 11 any other employees because of her race? 12 A. Yes. 13 Q. Who? 14 A. She has told me that she feels 15 like she has been treated different 16 because of race. 17 Q. When did she tell you that? 18 A. I really can't say exactly 19 when, but she have. 20 Q. Do you remember -- did she 21 describe for you how it is that she had 22 been treated differently? 23 A. I remember one time it was --</p>	<p>1 A. I don't know. 2 Q. Dorothy Collins, did she go by 3 Dot? 4 A. Dot. 5 Q. White or black? 6 A. Black -- I mean, white. 7 Sorry. I'm tired. 8 Q. What is it that you believe 9 Ms. Collins knows about your allegations 10 in this case? 11 A. Basically, everything, because 12 she was with me for the grievances. She 13 had interfered when I was attempting to be 14 fired. 15 Q. She was your union steward? 16 A. Yes. 17 Q. Okay. Shederick Abner? 18 A. Yes. 19 Q. Black or white? 20 A. White -- I mean, black. I 21 think I'm tired. I probably need a break. 22 Q. Are you related to Mr. Abner? 23 A. No.</p>
Page 278	Page 280
<p>1 she was lead, and they placed a white 2 person over her. She had been lead, 3 because she trained me. And they placed 4 -- they took the lead -- the company -- 5 whoever was supervisor or the department 6 manager took the lead job from her and 7 gave it to a white person, who was Letha 8 Arnold. 9 Q. When did that occur? 10 A. This has been a long time. 11 Letha has been gone a long time. 12 Q. 1980s? 13 A. Probably, yeah. 14 Q. Other than this occasion in 15 the 1980s where Ms. Davis was -- Letha was 16 substituted as the lead in place of 17 Ms. Davis, any other examples Ms. Davis 18 ever gave you where she thought she was 19 treated differently? 20 A. I don't remember. 21 Q. Did Ms. Davis ever tell you 22 that she had heard any racial slurs in the 23 plant?</p>	<p>1 Q. Okay. What is it that you 2 think Mr. Abner knows about your claims? 3 A. He was working with me in the 4 department. He was with me when the -- we 5 had to call the paramedics. He filed 6 grievances. And he knows that -- how I 7 was treated. 8 Q. Well, other than this one 9 grievance meeting, did Mr. Abner sit in on 10 any other meetings that you had with Jeff 11 Johnston? 12 A. I don't know. 13 Q. Was Mr. Abner present for any 14 other meetings that you had with 15 Mr. Bryant? 16 A. I don't know. 17 Q. Now, at one point Mr. Abner 18 worked in seaming for a period of time. 19 A. Yes. 20 Q. And then he left seaming and 21 went to weaving? 22 A. No. He was in weaving. He 23 left weaving and came to seaming.</p>

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<p>1 Q. Did he stay in seaming?</p> <p>2 A. Until he was terminated.</p> <p>3 Q. Do you know why he was</p> <p>4 terminated?</p> <p>5 A. I don't know exactly why.</p> <p>6 Q. Were you in any way involved</p> <p>7 in his discharge?</p> <p>8 A. No.</p> <p>9 Q. Do you know if he grieved his</p> <p>10 discharge?</p> <p>11 A. No.</p> <p>12 Q. Okay. Other than the fact</p> <p>13 that -- do you believe Mr. Abner knows</p> <p>14 anything about your employment with the</p> <p>15 company prior to him moving into the</p> <p>16 seaming department?</p> <p>17 A. Pardon?</p> <p>18 Q. Mr. Abner worked in weaving</p> <p>19 and then transferred to the seaming</p> <p>20 department, correct?</p> <p>21 A. Uh-huh (Nodding head).</p> <p>22 Q. Yes?</p> <p>23 A. Yes.</p>	<p>1 same group?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Did Mr. Abner ever</p> <p>4 tell you that he thought he was treated</p> <p>5 differently because of his race?</p> <p>6 A. Yes.</p> <p>7 Q. Did he explain how?</p> <p>8 A. Because of a situation that</p> <p>9 happened in the seaming -- in the weave</p> <p>10 room, because of wire assignments, because</p> <p>11 of actions being taken, the discipline, or</p> <p>12 something like that. So to that extent.</p> <p>13 But what, I don't exactly know.</p> <p>14 Q. Okay. Did you ever encourage</p> <p>15 Mr. Abner if he thought that he was having</p> <p>16 problems that he should go to Human</p> <p>17 Resources and talk to Mr. Bryant?</p> <p>18 A. He filed a grievance.</p> <p>19 Q. I am asking if you recommended</p> <p>20 to him that he should go complain.</p> <p>21 A. I don't believe I recommended</p> <p>22 him, no.</p> <p>23 Q. Have you talked to Mr. Abner</p>
Page 282	Page 284
<p>1 Q. All right. Prior to Mr. Abner</p> <p>2 coming to work in the seaming department,</p> <p>3 y'all were in different areas of the</p> <p>4 plant?</p> <p>5 A. Yes.</p> <p>6 Q. In different work areas?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So you would not really</p> <p>9 have been in a position to have observed</p> <p>10 Mr. Abner's work circumstances when he was</p> <p>11 in weaving?</p> <p>12 A. No.</p> <p>13 Q. He could -- like wise, he</p> <p>14 would not have been in a position to see</p> <p>15 what was going on in the seaming</p> <p>16 department?</p> <p>17 A. No.</p> <p>18 Q. All right. But once he moved</p> <p>19 to seaming, were y'all in the same work</p> <p>20 group?</p> <p>21 A. Yes.</p> <p>22 Q. So y'all were on first shift</p> <p>23 together, second shift; you were in the</p>	<p>1 about your case?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me what y'all talked</p> <p>4 about.</p> <p>5 A. I asked him to be a witness</p> <p>6 for me.</p> <p>7 Q. And what did he say?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And did you talk with</p> <p>10 him in any detail about what you wanted</p> <p>11 him to say?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you talk to</p> <p>14 Mr. Abner about any issues that he</p> <p>15 previously had with the company?</p> <p>16 A. We talked about them all the</p> <p>17 time. That's before he left the job.</p> <p>18 Q. Okay. Prior to you calling</p> <p>19 him about this lawsuit, had you talked to</p> <p>20 him since he left the company?</p> <p>21 A. I hadn't talked to him in a</p> <p>22 long time. I maybe talked to him once,</p> <p>23 twice. After that -- it was until --</p>

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1 until this came -- this suit came up.  
2 Q. Who is Barbara Smith?  
3 A. She is my supervisor -- was my  
4 supervisor.  
5 Q. She is black?  
6 A. Yes.  
7 Q. She still works for the  
8 company?  
9 A. Yes.  
10 Q. Have you talked to Ms. Smith  
11 about your lawsuit?  
12 A. No.  
13 Q. I think we have talked about  
14 Nat Jones.  
15 The Donna Smith listed on  
16 here. She is the nurse that went with you  
17 on doctors' visits, correct?  
18 A. Yes.  
19 MS. WILLIAMS: Can we take a  
20 break?  
21 MR. POWELL: Yes, we can. I  
22 think that's a good idea.  
23 (Off the record discussion, at which time

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1 the deposition was adjourned at 3:30 PM)  
2 C E R T I F I C A T E  
3  
4 STATE OF ALABAMA)  
5 JEFFERSON COUNTY)  
6 I hereby certify that the above  
7 and foregoing deposition was taken down by  
8 me in stenotype, and the questions and  
9 answers thereto were transcribed by means  
10 of computer-aided transcription, and that  
11 the foregoing represents a true and  
12 correct transcript of the deposition given  
13 by said witness upon said hearing.  
14 I further certify that I am  
15 neither of counsel nor of kin to the  
16 parties to the action, nor am I in anywise  
17 interested in the result of said cause.  
18  
19 DAVID L. MILLER, CSR, RMR  
20 Certificate No: AL-CSR-141  
21  
22 My Commission expires  
23 November 30, 2009

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1 (Pages 287 to 290)

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<p>IN THE UNITED STATE DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>CIVIL ACTION NUMBER CV-2:05CV-1040-WKW</p> <p>DORA DAVIS, Plaintiff(s), vs. ALBANY INTERNATIONAL, JEFF JOHNSTON, Defendant(s).</p> <p>VOLUME II DEPOSITION TESTIMONY OF: DORA DAVIS</p> <p>June 7, 2006 9:00 a.m.</p> <p>COURT REPORTER: DAVID L. MILLER, CSR, RMR</p>	<p>1 grounds at the time of trial or at the 2 time said deposition is offered in 3 evidence, or prior thereto. 4 5 6 7 8 I N D E X 9 EXAMINATION BY: PAGE NO. 10 Mr. Powell 292, 394 11 Ms. Swain 332 12 Ms. Williams 361 13 Certificate 424 14 15 I N D E X 16 EXHIBITS PAGE NO. 17 DEFENDANT'S 16 Job site analysis 326 18 DEFENDANT'S 17 EEOC letter 320 19 20 PLAINTIFF'S 1 M-300 Study 381 21 PLAINTIFF'S 2 Notice to dismiss 387 22 PLAINTIFF'S 3 Order 388 23</p>
Page 288	Page 290
<p>1 S T I P U L A T I O N 2 IT IS STIPULATED AND AGREED by and 3 between the parties throught their 4 respective counsel that the deposition of 5 DORA DAVIS, may be taken before David L. 6 Miller, Registered Merit Reporter and 7 Notary Pulbic, State at Large, at the law 8 offices of Toles &amp; Williams, Montgomery, 9 Alabama, on June 7, 2006, commencing at 10 approximately 9:00 a.m. 11 IT IS FUTHER STIPULATED AND AGREED 12 that the signature to and the reading of 13 the deposition by the witness is waived, 14 the deposition to have the same force and 15 effect as if full compliance had been had 16 with all laws and rules of Court relating 17 to the taking of depositions. 18 IT IS FURTHER STIPULATED AND 19 AGREED that it shall not be necessary for 20 any objections to be made by counsel to 21 any questions, except as to form or 22 leading questions, and that counsel for 23 the parties may make objections and assign</p>	<p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF(S): 4 Triana S. Williams 5 Vicky U. Toles 6 TOLES &amp; WILLIAMS 7 1015 South McDonough Street 8 Montgomery, Alabama 36104 9 10 FOR THE DEFENDANT, ALBANY: 11 Charles A. Powell, IV 12 BAKER, DONELSON, BEARMAN, CALDWELL 13 &amp; BERKOWITZ 14 1600 SouthTrust Tower 15 420 20th Street North 16 Birmingham, Alabama 35203 17 18 FOR THE DEFENDANT, JOHNSTON: 19 Jennifer F. Swain 20 JOHNSTON, BARTON, PROCTOR &amp; POWELL 21 2900 AmSouth/Harbert Plaza 22 1901 Sixth Avenue North 23 Birmingham, Alabama 35203</p>



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2 (Pages 291 to 294)

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<p>1                   A P P E A R A N C E S</p> <p>2</p> <p>3       ALSO PRESENT:</p> <p>4               Jeff Johnston</p> <p>5               Ted Bryant</p> <p>6               DeMonica Richeson</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1       to try to finish up your deposition in</p> <p>2       your case against Albany International and</p> <p>3       Jeff Johnston.</p> <p>4               The format will be the same as</p> <p>5       it was last time, questions and answers,</p> <p>6       so we are going to operate by the same</p> <p>7       ground rules we did before, okay?</p> <p>8               A.   Okay.</p> <p>9               Q.   All right. Are you on any</p> <p>10       medication or anything this morning that</p> <p>11       would in any way impair your ability to</p> <p>12       testify?</p> <p>13               A.   No.</p> <p>14               Q.   Other than your attorneys,</p> <p>15       have you talked to anybody about your</p> <p>16       deposition since we last met?</p> <p>17               A.   Yes.</p> <p>18               Q.   Who?</p> <p>19               A.   My daughter.</p> <p>20               Q.   Okay. She is here with us</p> <p>21       today?</p> <p>22               A.   Yes.</p> <p>23               Q.   Okay. DeMonica --</p>
Page 292	Page 294
<p>1               I, David L. Miller, a Registered</p> <p>2       Merit Report of Birmingham, Alabama, and a</p> <p>3       Notary Public for the State of Alabama at</p> <p>4       Large, acting as Commissioner, certify</p> <p>5       that on this date, pursuant to the Federal</p> <p>6       Rules of Civil Procedure, and the</p> <p>7       foregoing stipulation of counsel, there</p> <p>8       came before me at the law offices of Toles</p> <p>9       &amp; Williams, Montgomery, Alabama,</p> <p>10       commencing at approximately 9:00 a.m. on</p> <p>11       June 7, 2006, DORA DAVIS, witness in the</p> <p>12       above cause, for oral examination,</p> <p>13       whereupon the following proceedings were</p> <p>14       had:</p> <p>15</p> <p>16               COURT REPORTER: Ms. Davis,</p> <p>17       you are still under oath.</p> <p>18</p> <p>19       EXAMINATION BY MR. POWELL (continued):</p> <p>20               Q.   Good morning, Ms. Davis. How</p> <p>21       are you?</p> <p>22               A.   I'm okay.</p> <p>23               Q.   All right. We are here today</p>	<p>1               A.   Richeson.</p> <p>2               Q.   Okay. What does your daughter</p> <p>3       do?</p> <p>4               A.   She works for Montgomery Water</p> <p>5       Works.</p> <p>6               Q.   Has she ever worked at Albany</p> <p>7       International?</p> <p>8               A.   No.</p> <p>9               Q.   To your knowledge, did she</p> <p>10       ever work with Jeff Johnston or Ted</p> <p>11       Bryant?</p> <p>12               A.   Excuse me. She did do some</p> <p>13       help a -- about a week at Albany</p> <p>14       International.</p> <p>15               Q.   Do you remember when that was?</p> <p>16               A.   No.</p> <p>17               Q.   Which department did she work</p> <p>18       in?</p> <p>19               A.   I think it was like throughout</p> <p>20       the plant.</p> <p>21               Q.   Any idea how long ago that</p> <p>22       was?</p> <p>23               A.   No.</p>

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3 (Pages 295 to 298)

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<p>1 Q. Okay. In the August to 2 October of 2003 time frame, had your 3 daughter worked at the plant anywhere in 4 that time frame? 5 A. No. 6 Q. To your knowledge, do you 7 believe that your daughter has any 8 personal knowledge of any of the events 9 identified in your complaint in this 10 lawsuit? 11 A. No. 12 Q. So what about your deposition 13 did you discuss with your daughter? 14 A. We just talked about the 15 length, how long. 16 Q. Okay. During your last 17 deposition you had mentioned that you had 18 gotten divorced. What is your husband's 19 name -- former husband's name? 20 A. Former husband's? 21 Q. Yes. The most recent 22 husband. 23 A. William Davis.</p>	<p>1 FMLA process? 2 A. I don't know. 3 Q. Okay. Now, you told me last 4 time you were together that Albany had 5 never denied you FMLA leave if you 6 presented the paperwork with information 7 from your doctor that you needed to be 8 off, correct? 9 A. Yes. 10 Q. Okay. Do you have any reason 11 to believe that your efforts to ask for 12 FMLA leave at any point at Albany had 13 anything to do with your departure from 14 the company? 15 A. I don't understand your 16 question. 17 Q. Well, you allege in the 18 lawsuit, among other reasons, that you 19 were fired because you asked for FMLA 20 leave. I want to know if you, in fact, 21 believe that any request by you for family 22 leave was the reason for your discharge? 23 A. I know that everytime I asked</p>
Page 296	Page 298
<p>1 Q. Okay. Where does Mr. Davis 2 live? 3 A. He lives in Millbrook, 4 Alabama. 5 Q. Okay. Do you know where he 6 works? 7 A. Yes. 8 Q. Where? 9 A. Montgomery Ford. 10 Q. What does he do at Montgomery 11 Ford? 12 A. I don't know. 13 Q. Okay. We talked a little bit 14 when we were here last time about some 15 previous FMLA leave that you had taken 16 from the company. And I believe your 17 testimony was that you either went to 18 Linda Jones or to Mr. Bryant if you needed 19 to request FMLA leave from Albany 20 International, correct? 21 A. Yes. 22 Q. Okay. To your knowledge, did 23 Mr. Johnston have any involvement in the</p>	<p>1 for medical help I was denied it. 2 Q. You mean everytime you asked 3 for help for your work place injuries? 4 A. Yes. 5 Q. Okay. Do you believe -- on 6 these occasions -- because I know we 7 looked at some attendance records last 8 time that indicated you had been approved 9 for FMLA leave by Albany on at least one 10 or two occasions. 11 All right. Do you allege in 12 this lawsuit that you were discharged 13 because you sought family medical leave? 14 Not Workers' Compensation issues, but do 15 you believe that you were terminated 16 because you sought family leave under the 17 FMLA? 18 A. I would say partly. 19 Q. Okay. How? 20 A. Because I was denied family 21 leave. I asked for help -- I asked for 22 medical help. I told them that my 23 injuries were hurting me and I was hurting</p>

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4 (Pages 299 to 302)

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<p>1 every day, and it was proved, and I was  2 denied.  3 Q. And these injuries that you  4 were seeking help for, these were your  5 Workers' Compensation injuries?  6 A. They were Workers'  7 Compensation injuries.  8 Q. Okay. Since you last worked  9 for Albany have you worked anywhere else?  10 A. No.  11 Q. Have you applied for work  12 anywhere else?  13 A. No.  14 Q. Have you been able to work  15 anywhere since you last worked at Albany?  16 A. No.  17 Q. Okay. And have you been able  18 to work anywhere since -- I believe August  19 the 21st of 2003 is the date that you were  20 declared disabled by Social Security.  21 A. No.  22 Q. Okay. As you sit here today,  23 you are not able to do your prior job as a</p>	<p>1 21st of 2003?  2 A. Yes.  3 Q. Okay. Was that just a lump  4 sum payment back to August of 2003?  5 A. Yes.  6 Q. All right. We had, I think,  7 last time marked this as Exhibit 15.  8 These were your initial disclosures in the  9 case. And I'm sort of in the middle on  10 the one that I have handed you. I really  11 want to start at number nine and just have  12 you to look down the rest of the list.  13 Just let me know when you have had a  14 chance to do that, and I will tell you  15 what I want to know.  16 (Pause)  17 A. What was your question?  18 Q. Okay. The question is: Is  19 there anybody on this list of doctors or  20 healthcare facilities from whom you sought  21 treatment for any claimed injuries as a  22 result of anything Mr. Johnston did to  23 you?</p>
Page 300	Page 302
<p>1 seamer at Albany?  2 A. With corrective surgery, I  3 might.  4 Q. But as you sit here today, no?  5 A. No.  6 Q. Okay. At any point between  7 August of 2003 and today have you been  8 able to perform all of your job duties as  9 a seamer at Albany?  10 A. No.  11 Q. Okay. When you were declared  12 disabled by Social Security, did they --  13 did they start paying you benefits;  14 meaning are you getting paid some payment  15 from Social Security for your disability?  16 A. Yes.  17 Q. Okay. And I think they -- I  18 think that ruling came out in 2005, is  19 when Social Security concluded that you  20 were disabled, correct?  21 A. Yes.  22 Q. Okay. Did they pay you back  23 pay, a catch-up payment back to August the</p>	<p>1 A. I don't understand that  2 question.  3 Q. Let's see if I can rephrase  4 it. You are seeking damages in this  5 lawsuit, okay. What I'm trying to  6 determine is whether or not any of these  7 doctors or healthcare providers that you  8 have listed -- if any of the folks on this  9 list treated you for injuries that you  10 claim were caused by some conduct by Jeff  11 Johnston.  12 A. Yes.  13 Q. Okay. Which ones?  14 A. All of them, except for  15 Dr. Hamilton, Dr. Hackman, Dr. Jakes.  16 Q. So it is your contention that  17 every doctor on this list in your initial  18 disclosures except Dr. Jakes, who is  19 number eleven, Dr. Hamilton, who is number  20 fifteen, and Dr. Hackman, who is number  21 sixteen, treated you for some injury that  22 you contend is caused by Jeff Johnston?  23 A. No. I'm saying that number</p>

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5 (Pages 303 to 306)

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<p>1 nine, Dr. Sweet; number ten, Dr. Katz;  2 number twelve, Dr. Wade; thirteen,  3 Dr. Hartzog.  4 I went to Jackson Hospital for  5 tests -- well, I had surgery at Jackson  6 Hospital, too. So I would say yes. And  7 Dr. -- seventeen, Dr. Cargile Miller.  8 Q. What is it that Dr. Sweet  9 treated you for that you claim was caused  10 by Mr. Johnston?  11 A. I was injured on the job. I  12 was refused medical help.  13 Q. All right. Which injury did  14 Dr. Sweet treat you for?  15 A. He -- lower back, my neck.  16 Q. When did Dr. Sweet treat you?  17 A. It was 2003.  18 Q. And was this treated as a  19 Workers' Compensation injury?  20 A. Yes.  21 Q. Is the treatment that you  22 received from -- for your lower back and  23 neck from Dr. Sweet, is that what is at</p>	<p>1 company where Jeff Johnston was in charge  2 of. And through my trying -- seeking help  3 for injuries, I was refused help. The  4 company was in charge. They denied me  5 medical help or corrective surgery or  6 anything that could make my life  7 comfortable to live.  8 Q. All right. Outside of  9 Mr. Johnston's role with the Montgomery  10 plant for Albany, is there any specific  11 action by Mr. Johnston personally towards  12 you that you think caused you any injury?  13 A. I was asked to be taken off of  14 the machines. Mr. Johnston was still in  15 charge. He denied me the right to come  16 off of the machine, where they allowed  17 other people to be moved off of the  18 machines, which they knowed these machine  19 was causing injuries to our bodies.  20 Q. Which machines were causing  21 the injuries?  22 A. The M-3000.  23 Q. M-3000, okay. And how do --</p>
Page 304	Page 306
<p>1 issue in your State court Workers'  2 Compensation case?  3 A. I really don't know.  4 Q. Okay. What exactly is it that  5 you contend that Mr. Johnston did that  6 contributed to your back or neck injuries?  7 A. I worked for Albany  8 International. They were in charge of the  9 way that I was medically treated, and I  10 was denied treatment.  11 Q. I will ask the question a  12 little more specifically and see if maybe  13 we can speed this up. Is there -- did you  14 seek any medical treatment specifically  15 for some action by Jeff Johnston towards  16 you?  17 A. Medical treatment -- repeat  18 me -- repeat yourself, I mean.  19 Q. Let me ask it this way. Is  20 there some specific injury to you that you  21 believe was directly caused by Jeff  22 Johnston?  23 A. I believe that I worked for a</p>	<p>1 what is the basis for your contention that  2 they know that the machine was causing  3 injury?  4 A. Because we were injured on --  5 in certain -- crawling, pulling, walking,  6 standing, lifting, shoving, sitting in a  7 position all day, lifting weights, having  8 to lean.  9 Q. Anybody that you worked with  10 at Albany in the seaming department that  11 is still there?  12 A. Yes.  13 Q. Who?  14 A. A lot of people. I don't know  15 everybody that is still there.  16 Q. More than five?  17 A. Yes.  18 Q. More than ten?  19 A. I don't know.  20 Q. All right. And would these  21 other folks in seaming -- did they also  22 work on the M-3000 machine like you?  23 A. Yes.</p>

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6 (Pages 307 to 310)

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<p>1 Q. And they are still able to</p> <p>2 work?</p> <p>3 A. I assume so.</p> <p>4 Q. All right. Now, I see right</p> <p>5 below Dr. Sweet's name is Dr. Allen's</p> <p>6 name. Are they partners in a medical</p> <p>7 group?</p> <p>8 A. Yes.</p> <p>9 Q. Did you see both Dr. Sweet and</p> <p>10 Dr. Allen?</p> <p>11 A. No.</p> <p>12 Q. Just Dr. Sweet?</p> <p>13 A. I saw Dr. Allen later, but</p> <p>14 there was a separate office when I saw</p> <p>15 Dr. Allen. Dr. Sweet was in a different</p> <p>16 office.</p> <p>17 Q. All right. We talked about</p> <p>18 Dr. Katz and Dr. Wade last time.</p> <p>19 Who is Dr. Hartzog?</p> <p>20 A. Dr. Hartzog -- he was a</p> <p>21 Workers' Comp doctor who did surgery on my</p> <p>22 rotator tear.</p> <p>23 Q. That surgery was in 2001?</p>	<p>1 Q. Was that a Workers' Comp</p> <p>2 injury?</p> <p>3 A. Yes.</p> <p>4 Q. Did he treat you for anything</p> <p>5 else?</p> <p>6 A. I went for a reading of</p> <p>7 x-rays.</p> <p>8 Q. X-rays of what?</p> <p>9 A. My neck.</p> <p>10 Q. Your neck. Did you get a</p> <p>11 second opinion from Dr. Hackman for the</p> <p>12 neck injury that Dr. Sweet had treated you</p> <p>13 for?</p> <p>14 A. No. I went for a -- personal.</p> <p>15 Q. Okay. Was that while you were</p> <p>16 employed by Albany?</p> <p>17 A. I believe it was after.</p> <p>18 Q. Who is Dr. Hamilton?</p> <p>19 A. He is my cardiologist.</p> <p>20 Q. Was he your doctor during the</p> <p>21 time that you were employed by Albany?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Was he treating you for</p>
Page 308	Page 310
<p>1 A. Yes.</p> <p>2 Q. Okay. Paid for by the company</p> <p>3 as a Workers' Comp injury?</p> <p>4 A. Yes.</p> <p>5 Q. What did Dr. Miller treat you</p> <p>6 for?</p> <p>7 A. My wrist. Both wrists.</p> <p>8 Q. Your wrists? Are those also</p> <p>9 Workers' Comp injuries?</p> <p>10 A. Yes.</p> <p>11 Q. Were you treated for carpal</p> <p>12 tunnel?</p> <p>13 A. Both wrists.</p> <p>14 Q. Okay. Do you remember when</p> <p>15 that was?</p> <p>16 A. Probably 2003, too.</p> <p>17 Q. Who is Dr. Hackman?</p> <p>18 A. Dr. Hackman was -- he treated</p> <p>19 me once for Workers' Comp. That's for my</p> <p>20 lower back. I went for an opinion.</p> <p>21 Q. So Dr. Hackman treated you one</p> <p>22 time for your lower back?</p> <p>23 A. Yes.</p>	<p>1 health problems during your employment</p> <p>2 with the company?</p> <p>3 A. Yes.</p> <p>4 Q. What is the nature of your</p> <p>5 heart condition?</p> <p>6 A. You asked me what heart</p> <p>7 diseases do I have?</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. Okay. I have cardiomyopathy,</p> <p>10 mitral valve prolapse, congestive heart</p> <p>11 failure, enlarged heart, hypertension.</p> <p>12 Q. Has Dr. Hamilton, to your</p> <p>13 knowledge, diagnosed the cause of these</p> <p>14 heart conditions?</p> <p>15 A. No, he didn't.</p> <p>16 Q. Do you believe in any way</p> <p>17 Albany International is the cause of your</p> <p>18 heart problems?</p> <p>19 A. Yes.</p> <p>20 Q. How so?</p> <p>21 A. When I was treated with</p> <p>22 steroid treatments on my lower back, I</p> <p>23 complained of not being able to take them,</p>



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7 (Pages 311 to 314)

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<p>1 because I was allergic to them. And I</p> <p>2 took them anyway, because of the pain that</p> <p>3 was in my back.</p> <p>4 Q. Who gave you the steroid</p> <p>5 shots?</p> <p>6 A. I believe it was a</p> <p>7 Dr. Richardson under Dr. Dunavant. I</p> <p>8 believe that is -- that's been how long it</p> <p>9 has been. I don't remember.</p> <p>10 Q. Are these steroids shots part</p> <p>11 of Workers' Comp treatment?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Has Dr. Hamilton</p> <p>14 told you that these steroid shots caused</p> <p>15 any of these heart conditions?</p> <p>16 A. Dr. Hamilton was my doctor at</p> <p>17 that time.</p> <p>18 Q. Well, has any doctor told you</p> <p>19 that steroid shots, as part of your</p> <p>20 Workers' Compensation treatment for your</p> <p>21 back pain, caused any of these heart</p> <p>22 conditions that you have identified?</p> <p>23 A. No.</p>	<p>1 time I received steroid shots, I end up</p> <p>2 with new heart -- heart diseases.</p> <p>3 Q. Have you seen anybody other</p> <p>4 than Dr. Hamilton for your heart problems?</p> <p>5 A. I saw another doctor before</p> <p>6 Dr. Hamilton, but I don't even remember</p> <p>7 his name.</p> <p>8 Q. Okay. What has Dr. Jakes</p> <p>9 treated you for?</p> <p>10 A. Fibromyalgia.</p> <p>11 Q. And how long has Dr. Jakes</p> <p>12 been treating you for fibromyalgia?</p> <p>13 A. I believe I saw him in -- it</p> <p>14 was either 2004, late 2003, one or the</p> <p>15 other.</p> <p>16 Q. Were you being treated by</p> <p>17 Dr. Jakes during the time that you were</p> <p>18 employed by Albany?</p> <p>19 A. No.</p> <p>20 Q. Who is Dr. Garrison?</p> <p>21 A. Dr. Garrison is another</p> <p>22 Workers' Comp doctor.</p> <p>23 Q. What about Dr. Dalton?</p>
Page 312	Page 314
<p>1 Q. Okay. Then how do you draw</p> <p>2 some connection between steroid shots and</p> <p>3 your heart problems?</p> <p>4 A. I never had heart problems</p> <p>5 until I started receiving the steroid</p> <p>6 shots.</p> <p>7 Q. So that's simply your opinion</p> <p>8 that there is a connection between the</p> <p>9 steroid shots and your heart problems?</p> <p>10 A. I didn't -- I started having</p> <p>11 heart problems afterwards -- after the</p> <p>12 steroid shots.</p> <p>13 Q. All right. And you, on your</p> <p>14 own, have drawn some connection between</p> <p>15 the steroid shots and your heart problems?</p> <p>16 A. I started having steroid shots</p> <p>17 -- I mean, I started having heart problems</p> <p>18 after the steroid shots.</p> <p>19 Q. Okay. But no doctor has told</p> <p>20 you that they have diagnosed any medical</p> <p>21 link between your steroid shots and the</p> <p>22 heart problems that you have identified?</p> <p>23 A. The only thing I know is each</p>	<p>1 A. Dr. Dalton is a personal</p> <p>2 doctor.</p> <p>3 Q. What has Dr. Dalton treated</p> <p>4 you for?</p> <p>5 A. He did a colonoscopy.</p> <p>6 Q. Just an exam or were you being</p> <p>7 treated for some particular condition?</p> <p>8 A. Well, everytime -- when I</p> <p>9 could not receive injections, when I could</p> <p>10 not take the -- the muscle relaxers or the</p> <p>11 inflammatory pills, I suffer from that</p> <p>12 with acid reflux.</p> <p>13 So she told me that it was</p> <p>14 something had to be going on, the reason I</p> <p>15 couldn't take this medicine. So that's</p> <p>16 when I consulted my physicians and asked</p> <p>17 them to give me -- to try to find out was</p> <p>18 anything going on in my body to cause me</p> <p>19 not to be able to take the medicine. She</p> <p>20 suggested that I have some -- I have</p> <p>21 something done about that.</p> <p>22 Q. All right. And did Dr. Dalton</p> <p>23 put you on any course of treatment</p>

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8 (Pages 315 to 318)

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<p>1 following this colonoscopy?</p> <p>2 A. Was nothing wrong in my colon</p> <p>3 for them to treat me for.</p> <p>4 Q. Who is Dr. Turner?</p> <p>5 A. Dr. Turner is another Workers'</p> <p>6 Comp doctor.</p> <p>7 Q. What did Dr. Turner treat you</p> <p>8 for?</p> <p>9 A. He was the company doctor.</p> <p>10 Wrists, neck, lower back.</p> <p>11 Q. What did Dr. Garrison treat</p> <p>12 you for? I know you said he was a Work</p> <p>13 Comp doctor.</p> <p>14 A. Lower back, I believe.</p> <p>15 Q. Dr. Mathis?</p> <p>16 A. He was my medical -- my</p> <p>17 personal medical doctor.</p> <p>18 Q. Okay. There is a reference on</p> <p>19 your disclosures to an ergonomic</p> <p>20 evaluation of the M-3000 machine. Is that</p> <p>21 a -- what is that? Is that --</p> <p>22 A. I don't know what it is.</p> <p>23 Q. Is that a job site analysis</p>	<p>1 your seaming job?</p> <p>2 A. Yes, from what I can see.</p> <p>3 Q. Okay. Now, you allege in your</p> <p>4 complaint that the company knew the M-3000</p> <p>5 was causing injuries.</p> <p>6 A. Yes.</p> <p>7 Q. All right. Now, you told me a</p> <p>8 little while ago that your basis for that</p> <p>9 was you and others got hurt on the job.</p> <p>10 A. Yes.</p> <p>11 Q. All right. Any basis for that</p> <p>12 allegation other than your observation</p> <p>13 that you were injured and others may have</p> <p>14 been injured at work?</p> <p>15 A. When this -- when we -- when</p> <p>16 the injuries start occurring, not only to</p> <p>17 me, but other people, that is when the</p> <p>18 company started -- I don't know what the</p> <p>19 process was, but they brought somebody in</p> <p>20 to evaluate this M-3000 and to check and</p> <p>21 to see what we was doing and was not</p> <p>22 doing.</p> <p>23 Q. Okay. Did y'all start doing</p>
Page 316	Page 318
<p>1 that was done of the seaming job?</p> <p>2 A. I assume. I don't know.</p> <p>3 Q. Tell a look at that for me and</p> <p>4 tell me if you recognize that.</p> <p>5 (WHEREUPON, a document was</p> <p>6 marked as Defendant's Exhibit 16 and is</p> <p>7 attached to the original transcript.)</p> <p>8 A. Yes.</p> <p>9 Q. Did you see this job site</p> <p>10 analysis at any point while you worked for</p> <p>11 the company?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And have you had a</p> <p>14 chance to read over it?</p> <p>15 A. I have seen it.</p> <p>16 Q. Okay. And is this a -- does</p> <p>17 this job function wise and workwise</p> <p>18 provide a fair assessment of the seaming</p> <p>19 machine operator job at Albany's</p> <p>20 Montgomery plant?</p> <p>21 A. It is a description of the job</p> <p>22 that we did.</p> <p>23 Q. So this is a description of</p>	<p>1 anything differently after that?</p> <p>2 A. My job was the same.</p> <p>3 Q. Did y'all start any kind of</p> <p>4 exercise program in the plant?</p> <p>5 A. They started an exercise</p> <p>6 program, yes.</p> <p>7 Q. For everybody in the seaming</p> <p>8 department?</p> <p>9 A. Every -- yes.</p> <p>10 Q. What did that exercise program</p> <p>11 consist of?</p> <p>12 A. You stand and make certain</p> <p>13 movements with your body.</p> <p>14 Q. Just sort of a stretching</p> <p>15 program?</p> <p>16 A. Stretching process, yes.</p> <p>17 Q. So you would be sort of warmed</p> <p>18 up and ready to go to work?</p> <p>19 A. No. It wasn't at the</p> <p>20 beginning of the shift. It was usually</p> <p>21 like some part of the day -- in the</p> <p>22 morning, and then another -- like about</p> <p>23 two in the evening and probably nine,</p>

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9 (Pages 319 to 322)

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<p>1 something like that, in the morning.  2 Q. Well, did you do the  3 stretching exercises every shift?  4 A. No. It was every shift, but  5 we did it two times a day. We did it  6 morning and then we do it in the  7 afternoon.  8 Q. So you did it two times per  9 shift?  10 A. Yes.  11 Q. Okay. You say morning and  12 afternoon. If you are on third shift,  13 that would be just after midnight and --  14 but two times a shift?  15 A. Yes.  16 Q. Okay. So you would work a  17 little while, stop, stretch, go back to  18 work, then stretch again, and then finish  19 your shift?  20 A. Yes.  21 Q. All right.  22 MS. WILLIAMS: Do you need a  23 break?</p>	<p>1 A. Yes.  2 Q. What is it?  3 A. It's a letter to the Equal  4 Opportunity Commission.  5 Q. Who wrote this letter?  6 A. I did.  7 Q. Did you type it?  8 A. No.  9 Q. Okay. Who typed it for you?  10 A. A friend of mine.  11 Q. Who was that?  12 A. Her name is Valerie.  13 Q. What is Valerie's last name?  14 A. Abner.  15 Q. Would that be Shederick  16 Abner's wife?  17 A. Yes.  18 Q. Okay. Now, the only version  19 of this I have is not signed. Did you  20 actually personally sign one of these to  21 the EEOC?  22 A. I don't remember, but -- I  23 don't remember.</p>
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<p>1 THE WITNESS: No, not yet.  2 Q. (BY MR. POWELL) At any point  3 while you worked for the company did you  4 -- did you ever contact the EEOC to  5 complain about any of these allegedly  6 discriminatory events that you have  7 identified?  8 A. Yes, I did.  9 Q. What did you do?  10 A. Wrote a letter.  11 Q. Wrote a letter to them.  12 Okay.  13 Does it look like that?  14 (WHEREUPON, a document was  15 marked as Defendant's Exhibit 17 and is  16 attached to the original transcript.)  17 (Pause)  18 A. Okay.  19 Q. Have you had a chance to look  20 over what has been marked as Exhibit 17 to  21 your deposition?  22 A. Yes.  23 Q. Do you recognize it?</p>	<p>1 Q. All right. But what is in  2 here were your thoughts at the time about  3 your employment with Appleton Wire?  4 A. Yes.  5 Q. All right. And this letter is  6 dated October 14, 2000?  7 A. Yes.  8 Q. Did you ever formally file a  9 charge of discrimination with the EEOC?  10 A. No.  11 Q. Okay. Were you contacted by  12 anyone at the Commission to discuss this  13 letter?  14 A. No.  15 Q. Okay. What prompted you to  16 send this letter to Ms. Monroe?  17 A. Because all of the --  18 everything -- it's true.  19 Q. So what is in here then -- you  20 have also testified about a lot of this in  21 your deposition in this case --  22 A. I believe so.  23 Q. All right. Well, if you</p>

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10 (Pages 323 to 326)

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<p>1 believed all of this in October of 2000,  2 why didn't you take any formal action on  3 it six years ago?  4 A. Because -- so far everyone I  5 have turned to -- Mr. Johnston,  6 Mr. Bryant, the Union -- is like -- in  7 here, a deaf ear. It's like no one  8 hears. And when I do get an explanation,  9 it is explained away.  10 Q. What exactly did you ask  11 Mr. Bryant for help with?  12 A. I have always let Mr. Bryant  13 know that when I go to the doctor's  14 office, I let them know how I'm treated.  15 Q. Other than your Workers'  16 Compensation treatment, any other issues  17 that you have brought to Mr. Bryant's  18 attention that he has not addressed?  19 A. I don't remember.  20 Q. Okay. None that you can  21 remember as you sit here today?  22 A. The situation with Tim  23 Woodward, no matter who or how I</p>	<p>1 on-the-job injury.  2 A. One time I went to -- I was  3 under Workers' Comp, and I was sent to --  4 I don't remember the building -- but I was  5 given something like a three-hour test,  6 and it was testing my mental capabilities.  7 Q. Who gave you the test?  8 A. If I could remember that, I  9 would tell you. I don't know.  10 Q. This test was not conducted at  11 Albany International?  12 A. I was sent to this company by  13 Albany International.  14 Q. By Albany or by the Workers'  15 Compensation doctor?  16 A. Albany International or the  17 Workers' Comp or whoever was working for  18 Albany International.  19 Q. Well, who, by name  20 specifically, asked you to go take this  21 three-hour test?  22 A. I don't remember.  23 Q. Okay. And since it is</p>
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<p>1 complained, no one did anything about  2 anything. And all I was trying to do was  3 stay there until I turned fifty-five years  4 old so I could retire with dignity. I was  5 not allowed to -- I was not given that  6 opportunity.  7 Q. Well, if you are incapable of  8 working -- I mean, you have testified that  9 you are unable to work.  10 A. Because of injuries. Job --  11 on-the-job injuries.  12 Q. Okay. So it's your contention  13 in this case that the reason that you were  14 unable to get to age fifty-five at Albany  15 and retire with dignity is because of  16 Workers' Compensation injuries?  17 A. Because of -- I was not  18 treated for those injuries, I was just  19 passed through doctors' offices.  20 Q. Okay. I see on page two of  21 this letter that you claim to have been  22 subjected to mental exams without your  23 consent while being treated for an</p>	<p>1 referenced in an October the 14th, 2000,  2 letter, I assume that you had this test  3 sometime prior to that?  4 A. I don't remember the dates or  5 the time. I don't remember.  6 Q. Do you know what year?  7 A. I don't remember.  8 Q. I see further down in that  9 paragraph it says that you have been  10 clinically diagnosed with depression and  11 you are currently taking drug treatments  12 and counseling.  13 A. During this time I was -- I  14 went to a program we had called -- I was  15 in a lot of pain, just like I was up until  16 the point where I was dismissed. And I  17 would -- the doctors wasn't treating me.  18 So I went to EEO --  19 Q. EAP?  20 A. EAP. The EAP -- I think her  21 name was Linda -- I believe Linda -- Linda  22 Jackson. It was -- I don't remember her  23 name. But, anyway, she sent me to a</p>

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11 (Pages 327 to 330)

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<p>1 doctor for this.</p> <p>2 Q. And how long did you get</p> <p>3 treatment under Albany's EAP program?</p> <p>4 A. I had to pay for that service</p> <p>5 myself. You only go to their counselors.</p> <p>6 And I had to go -- when I went to this</p> <p>7 doctor, I had to pay the doctor myself.</p> <p>8 Q. The company paid for the EAP</p> <p>9 portion of the counseling?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And after you met with</p> <p>12 the EAP counselor you then went to a</p> <p>13 separate private --</p> <p>14 A. She sent me to a doctor --</p> <p>15 which I don't even remember his name. But</p> <p>16 I know I went -- I went for a little</p> <p>17 while, but it wasn't long. But during the</p> <p>18 medication I could not drive or anything.</p> <p>19 My daughter drove me.</p> <p>20 Q. Okay. Did you personally talk</p> <p>21 with anyone at the EEOC in response to</p> <p>22 this letter?</p> <p>23 A. No.</p>	<p>1 Ketorolac, K-E-T-O-R-O-L-A-C.</p> <p>2 A. I don't know.</p> <p>3 Q. Dr. Hartzog prescribed that</p> <p>4 for you.</p> <p>5 A. It was probably inflammation</p> <p>6 or pain.</p> <p>7 Q. All right. Bextra.</p> <p>8 A. It was probably inflammation</p> <p>9 or pain, which I was allergic to, too.</p> <p>10 Q. Diazepam, D-I-A-Z-E-P-O-M.</p> <p>11 A. I don't know.</p> <p>12 Q. Meclizine, M-E-C-L-I-Z-I-N-E.</p> <p>13 A. I don't know.</p> <p>14 Q. Skelaxin, S-K-E-L-A-X-I-N.</p> <p>15 A. Pain or inflammation.</p> <p>16 Q. Spironolactone,</p> <p>17 S-P-I-R-O-N-O-L-A-C-T-O-N-E.</p> <p>18 A. I don't know.</p> <p>19 Q. Lisinopril,</p> <p>20 L-I-S-I-N-O-P-R-I-L.</p> <p>21 A. I don't know.</p> <p>22 Q. Furosemide,</p> <p>23 F-U-R-O-S-E-M-I-D-E.</p>
Page 328	Page 330
<p>1 Q. Did you meet with anybody at</p> <p>2 the EEOC about your claims?</p> <p>3 A. No.</p> <p>4 Q. Did you mail this to the EEOC,</p> <p>5 or what did you do with it?</p> <p>6 A. Most likely mailed it, because</p> <p>7 I didn't go to it. I had to have mailed</p> <p>8 it.</p> <p>9 Q. What was Shederick Abner's</p> <p>10 involvement in this letter?</p> <p>11 A. He encouraged me.</p> <p>12 Q. To your knowledge, did he</p> <p>13 write his own letter?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. Have you ever given any</p> <p>16 testimony on any of these events anywhere?</p> <p>17 A. Yes. Most likely, I have.</p> <p>18 Q. Do you remember where?</p> <p>19 A. No.</p> <p>20 Q. I'm just going to run some</p> <p>21 medication names by you and I just want a</p> <p>22 general description of why you were</p> <p>23 prescribed these medicines. All right.</p>	<p>1 A. I don't know.</p> <p>2 Q. That's a Dr. Hamilton</p> <p>3 medicine.</p> <p>4 A. It's probably for fluid.</p> <p>5 Q. Trazodone, that's Dr. Jakes.</p> <p>6 A. Oh, probably pain or -- pain,</p> <p>7 I guess.</p> <p>8 Q. Dr. Mathis appears to have</p> <p>9 prescribed Premarin.</p> <p>10 A. That's estrogen.</p> <p>11 Q. Also Dr. Mathis Protonix?</p> <p>12 A. I don't know.</p> <p>13 Q. And Meprozone, also</p> <p>14 Dr. Mathis?</p> <p>15 A. I don't know, but I believe it</p> <p>16 was for the acid reflux or the relief.</p> <p>17 Q. Dr. Katz appears to have</p> <p>18 prescribed Alprazolam,</p> <p>19 A-L-P-R-A-Z-O-L-A-M.</p> <p>20 A. Probably inflammation or pain.</p> <p>21 Q. All right. Tizakidine,</p> <p>22 T-I-Z-A-K-I-D-I-N-E. That's Dr. Fallahi.</p> <p>23 A. Probably inflammation or --</p>



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12 (Pages 331 to 334)

Page 331	Page 333
<p>1 it's because of the fibromyalgia.</p> <p>2 Q. Okay. Dr. Fallahi is not a</p> <p>3 name that I think I have heard before.</p> <p>4 Who is Dr. Fallahi?</p> <p>5 A. I also saw him. Fibromyalgia.</p> <p>6 Q. What about Dr. Fishnic</p> <p>7 (Phonetic)?</p> <p>8 A. I don't know who that is.</p> <p>9 Q. Looks like he prescribed</p> <p>10 amoxicillin, just a general antibiotic, I</p> <p>11 think.</p> <p>12 A. This was probably pertaining</p> <p>13 to having dental work.</p> <p>14 Q. Dr. McLamore, M-C-L-A-M-O-R-E,</p> <p>15 appears to have prescribe</p> <p>16 cyclobenzaprine.</p> <p>17 A. I don't know. I went to him</p> <p>18 for sinuses.</p> <p>19 Q. Dr. Sweet appears to have</p> <p>20 prescribed Srbudeprion,</p> <p>21 S-R-B-U-D-E-P-R-I-O-N.</p> <p>22 A. I don't know. Possibly</p> <p>23 inflammation or pain.</p>	<p>1 Albany.</p> <p>2 As Mr. Powell did, I'm going</p> <p>3 to ask you a series of questions today.</p> <p>4 If I ask you a question that you don't</p> <p>5 understand, can you tell me that and ask</p> <p>6 me to rephrase it?</p> <p>7 A. Yes.</p> <p>8 Q. If you answer a question, I</p> <p>9 will assume that you understood what I was</p> <p>10 asking and that's what you were answering;</p> <p>11 is that fair?</p> <p>12 A. Yes.</p> <p>13 Q. You testified earlier today,</p> <p>14 Ms. Davis, that it was your belief that</p> <p>15 Mr. Johnston and Albany had terminated</p> <p>16 your employment in some way related to the</p> <p>17 Family Medical Leave Act; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And I think I understood you</p> <p>20 to say that the reason why you believed</p> <p>21 that is because even though you were in</p> <p>22 pain and you had injuries, you didn't get</p> <p>23 the medical help that you felt like you</p>
Page 332	Page 334
<p>1 Q. Who is Dr. Wahid, W-A-H-I-D?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know why he prescribed</p> <p>4 Naproxen for you?</p> <p>5 A. Inflammation, I guess, or</p> <p>6 pain. Something, I don't know.</p> <p>7 Q. Okay. If you need at break at</p> <p>8 any point, just let us know.</p> <p>9 MS. WILLIAMS: If we could</p> <p>10 just stop right now and take a break.</p> <p>11 MR. POWELL: We can.</p> <p>12 9:58 AM</p> <p>13 (Short recess)</p> <p>14 10:18 AM</p> <p>15 MR. POWELL: I don't have any</p> <p>16 more questions for you.</p> <p>17</p> <p>18 EXAMINATION BY MS. SWAIN:</p> <p>19 Q. Ms. Davis, are you ready?</p> <p>20 A. Yes.</p> <p>21 Q. My name is Jennifer Swain. I</p> <p>22 represent Jeff Johnston in the lawsuit</p> <p>23 that you have filed against him and</p>	<p>1 needed.</p> <p>2 A. Yes.</p> <p>3 Q. Am I correct in understanding</p> <p>4 that your claim about the Family Medical</p> <p>5 Leave Act is that the company was not able</p> <p>6 to find a doctor who would recognize and</p> <p>7 properly treat your injuries?</p> <p>8 A. I feel that under Workers'</p> <p>9 Comp I was being sent to doctors and the</p> <p>10 doctors wasn't properly medicating or</p> <p>11 correcting the injuries that I had.</p> <p>12 Q. And you believe that that was</p> <p>13 Jeff Johnston's fault?</p> <p>14 A. Yes.</p> <p>15 Q. And that's because why?</p> <p>16 A. Because he was the leader. He</p> <p>17 was over the company.</p> <p>18 Q. So what you really wanted</p> <p>19 Mr. Johnston to do was to find you a</p> <p>20 Workers' Comp doctor that would treat you</p> <p>21 the way you felt you should be treated?</p> <p>22 A. To treat me the way I needed</p> <p>23 to be treated.</p>

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13 (Pages 335 to 338)

Page 335	Page 337
<p>1 Q. Okay. And it was your belief  2 that the Workers' Comp doctors should have  3 taken you off from work?  4 A. Yes.  5 Q. And it's your believe that the  6 Workers' Comp doctors should have told  7 Albany that you were unable to work  8 because of your injuries?  9 A. Yes.  10 Q. And it's your belief that  11 because the doctors didn't do that, that  12 Mr. Johnston violated the Family Medical  13 Leave Act?  14 A. Yes.  15 Q. Is there any other way in  16 which you think Mr. Johnston or Albany  17 violated the Family Medical Leave Act?  18 A. When I would go to or when  19 they called me to these meetings, it was  20 never any concern about what was going on  21 in my body. It was always are you able,  22 are you in pain, can you guarantee that  23 you cannot work in pain. I couldn't</p>	<p>1 not have a medical certification saying  2 that they needed to be off from work?  3 A. I don't know.  4 Q. Did you ever discuss the  5 Family and Medical Leave Act with  6 Mr. Johnston?  7 A. What I -- I don't remember  8 whether it was family medical leave, but I  9 did let Mr. Johnston know that I was in  10 pain and I was in constant pain. And each  11 visit we had, every meeting, I allowed  12 them -- I let them know the extent of the  13 pain that I was living in on a day-to-day  14 basis.  15 Q. In response to many of those  16 conversations you were sent to Workers'  17 Comp doctors; is that right?  18 A. Yes.  19 Q. Those doctors would release  20 you to return to work.  21 A. They would release me.  22 Q. I believe you testified the  23 last time we were here -- not this</p>
Page 336	Page 338
<p>1 guarantee that, because I had been working  2 in pain since 1991.  3 Q. Okay. My question is whether  4 there was any other way in which you think  5 Mr. Johnston or Albany violated the FMLA  6 other than not finding you a doctor that  7 would take you off of work?  8 A. I don't know.  9 Q. You were, as you have  10 testified previously, permitted to take  11 family and medical leave when you had a  12 doctor's certification, correct?  13 A. Yes.  14 Q. And in this situation around  15 the time that you claim that you were  16 discharged, the doctors that you were  17 seeing for your injuries did not certify  18 that you needed to be off from work,  19 correct?  20 A. They did not.  21 Q. Do you know of anyone at  22 Albany who was allowed to take Family and  23 Medical Leave Act protected leave who did</p>	<p>1 morning, but before -- that it's your  2 belief that you were actually terminated  3 on August the 21st, 2003; is that correct?  4 A. Yes.  5 Q. So when you came to the  6 meeting on October the 29th, that you have  7 also testified about previously, was it  8 your understanding that your employment  9 had already been terminated?  10 A. Yes.  11 Q. Tell me about that meeting on  12 October the 29th. You testified before  13 that Mr. Johnston had threatened to call  14 the police on you; is that right?  15 A. Whenever I am involved with  16 Mr. Johnston in any meeting, he always  17 flares up, he always attacked me in ways  18 that it shouldn't be. He accuses me of  19 things that I'm not guilty of. And this  20 was one of the occasions.  21 He kept telling me, "Dora, you  22 need to find you a doctor." I said,  23 "Well, my doctor says that -- didn't say</p>

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14 (Pages 339 to 342)

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<p>1 that I was not disabled to work." They  2 did not take me off the job.  3 Q. When you say your doctor, your  4 personal physician?  5 A. My personal doctors.  6 Q. Your personal physician said  7 that --  8 A. That --  9 Q. -- you could return to work?  10 A. I could return to work.  11 Q. The Workers' Comp doctors also  12 said you could return to work?  13 A. They said I could return to  14 work.  15 Q. What was the context of Jeff  16 Johnston threatening to call the police?  17 Did he just say that out of the blue, or  18 was something said before that that seemed  19 to upset him?  20 A. I walked out of the room and  21 closed the door.  22 Q. Then what happened?  23 A. That's when he told me that he</p>	<p>1 that you couldn't work and you wanted a  2 Workers' Comp doctor to take you off,  3 correct?  4 A. In the process of my trying to  5 do my job, it was constant, unbearing  6 pain.  7 Q. Because of that pain, you were  8 unable to work?  9 A. I was -- I wanted to --  10 Workers' Comp to do what they was supposed  11 to do. They had Workers' Comp insurance  12 that takes you off and gives you the  13 opportunity to heal. The company denied  14 me that.  15 Q. Did you understand during that  16 October 29th meeting that your doctors had  17 released you to return to work?  18 A. Yes.  19 Q. It's my understanding from you  20 that because of all of the pain that you  21 were experiencing that you could not work  22 and you needed a doctor to take you off  23 work; is that right?</p>
Page 340	Page 342
<p>1 was calling the police on me.  2 Q. You walked out of the room and  3 closed the door and he followed you out of  4 the room?  5 A. No. The shop steward,  6 Norma -- I believe she followed me. She  7 brought me back into the room.  8 Q. Why did you walk out of the  9 room?  10 A. Because of his accusations.  11 Q. What accusations?  12 A. "I can't guarantee you, Jeff,  13 that I am not in pain. I am under your  14 physician's care."  15 Q. Well, you have testified that  16 at the time of the October 29th meeting  17 you were not physically able to work,  18 correct?  19 A. I said that I was in a lot of  20 pain. I was working -- I was in a lot of  21 pain. I was hurting from the top of my  22 head to the sole of my feet.  23 Q. Because of that pain, you felt</p>	<p>1 A. I needed the Workers' Comp  2 doctors to do the job that Albany  3 International allowed them to do.  4 Q. Which, in your view, was to  5 take you off from work.  6 A. To take me off work and allow  7 my body to heal.  8 Q. Other than finding a Workers'  9 Comp doctor who would take you off from  10 work, was there anything else that you  11 think that Jeff Johnston should have done  12 for you and did not do for you?  13 A. The Work Comp doctors was  14 under Albany International, they did what  15 Albany International say. They were their  16 doctors. I only went because they sent  17 me. They were Workers' Comp doctors. I  18 did what their doctors say do.  19 The company knowed the extent  20 of the injuries that I had acquired. They  21 knew that this had been going on for quite  22 some time. The pain was constant, they  23 know it was severe, they know I got locked</p>

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15 (Pages 343 to 346)

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<p>1 on the fabrics. I complained to Ted, I  2 complained to Jeff, I complained to the  3 shop steward supervisor. I complained to  4 everybody that I could have complained  5 to. No one did anything.  6 Q. Well, what they did was she  7 sent to you a Workers' Compensation doctor  8 who did not take you off.  9 A. These doctors were under the  10 supervision of Albany International. I  11 was told by Dr. Garrison that I -- that it  12 was something that he could do, but the  13 Workers' Comp did not approve it to make  14 my condition better.  15 Q. Are you aware of any  16 conversations between Mr. Johnston and any  17 of your Workers' Comp doctors?  18 A. I know that each day when I go  19 to Workers' Comp, if Donna was not with  20 me, before I get back to the company, the  21 company already knows what decisions have  22 been made before --  23 Q. Okay.</p>	<p>1 Q. Did you slam the door when you  2 walked out of the room?  3 A. I don't know whether I did. I  4 walked out.  5 Q. Did Jeff Johnston actually  6 call the police?  7 A. No, he didn't.  8 Q. Did Jeff Johnston tell you on  9 October the 29th -- strike that.  10 Did you tell Jeff Johnston on  11 October the 29th, or Ted Bryant or whoever  12 was in this meeting, that you had decided  13 to pursue and, in fact, had applied for  14 Social Security disability benefits?  15 A. I told them I had applied for  16 Social Security benefits.  17 Q. Did you tell them you were  18 through with the Workers' Comp people?  19 A. No, I didn't.  20 Q. Did Jeff Johnston tell you in  21 the October 29th meeting that if you  22 returned to work but then had to leave  23 again or did not come into work because of</p>
Page 344	Page 346
<p>1 A. -- from the doctors.  2 Q. Here is my question. If you  3 will listen to the question and answer the  4 question I'm asking, we will get through  5 this a lot more quickly.  6 Are you aware of any  7 conversations between Jeff Johnston and  8 any of your Workers' Comp doctors?  9 A. No.  10 Q. Going back to the October 29th  11 meeting. You left the room, Norma Heath  12 came and asked you to come back into the  13 room; is that correct?  14 A. Yes.  15 Q. When you walked back into the  16 room Jeff Johnston just said, "Dora, I'm  17 going to call the police on you?"  18 A. He told me he would call the  19 police on me.  20 Q. Did he give you any indication  21 why he would call the police?  22 A. He wouldn't have me slamming  23 doors or whatever.</p>	<p>1 pain without a doctor's excuse, that that  2 would be counted against you as an  3 occurrence?  4 A. Yes.  5 Q. Did you understand that you  6 could return to work, but that if you did,  7 you would have to actually come to work  8 and do the job?  9 A. I understood that I had to  10 return -- I had to return to work.  11 Q. And it was your feeling that  12 you could not do that?  13 A. It is my thing that I was in a  14 lot of pain. At the time, barely  15 walking. My arms and things -- I couldn't  16 hardly move them. I couldn't drive  17 myself. I couldn't take care of my  18 myself. I couldn't even -- personally  19 take care of myself.  20 Q. Because of?  21 A. This company knew it, Jeff  22 Johnston knew it, Ted Bryant knew it. They  23 knew that all parts of my whole spine,</p>

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16 (Pages 347 to 350)

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<p>1 they knew my -- both wrists, they knew my  2 fingers, they knew my shoulder had erupted  3 again, the scar tissue. They knew the  4 pain that I was in every day. They knew.  5 And I was going and I begged  6 for help, and they didn't give it to me.  7 Instead, I don't have a job.  8 Q. And because of all of the pain  9 that you were in, you knew that you were  10 not going to be able to go back to work --  11 A. I knew that --  12 Q. Let me finish the question.  13 A. -- I had a Workers' Comp  14 situation, and I know it was Workers' Comp  15 laws, and I know Workers' Comp is supposed  16 to support me and make sure that the  17 injuries that I occurred was supposed to  18 be fixed, and they didn't do it. And  19 instead, I don't have a job today.  20 Q. My question is, you -- because  21 of all of the pain that you were in when  22 you were in that October 29th meeting, you  23 knew that that you were not going to be</p>	<p>1 Q. You understood -- let me show  2 you what Mr. Powell marked as Defendant's  3 Exhibit 14 and ask you to take a look at  4 that.  5 A. Yes, I remember this letter.  6 Q. Did you understand from that  7 letter that you are eligible for  8 retirement benefits from Albany when you  9 reach age fifty-five?  10 A. Yes.  11 Q. Other than the fact that --  12 let me ask you this.  13 How old were you in October of  14 2003?  15 A. Fifty-one.  16 Q. Other than the fact that you  17 weren't able to get retirement benefits at  18 the time you actually left the company, is  19 there anything else that either Jeff  20 Johnston or Albany did that you think  21 interfered with your retirement benefits?  22 A. Yes.  23 Q. What is that?</p>
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<p>1 able to come back to work and do all of  2 your job functions?  3 A. I knew if I came to work I  4 would be in pain. I couldn't guarantee  5 Mr. Johnston that I couldn't be in pain.  6 He insisted that the only way I could come  7 back to work is not be in pain. I could  8 not guarantee him that I wouldn't be in  9 pain.  10 Q. Did you ever have any  11 conversation with Mr. Johnston about  12 retirement benefits?  13 A. I don't think so.  14 Q. Do you know whether  15 Mr. Johnston had any responsibility for  16 administering the retirement plan at  17 Albany International?  18 A. I don't know.  19 Q. You testified last time we  20 were here that you had received a letter  21 from someone at Albany about your  22 retirement benefits; is that right?  23 A. I guess.</p>	<p>1 A. The fact that I was taken off  2 of my job way before this time came. The  3 fact that I was only going to receive  4 whenever I was eligible six hundred and  5 something dollars. I was insulted about  6 the loss and having to take two hundred  7 and something instead.  8 And I know that Albany had a  9 plan where if Workers' Comp had did their  10 part, I could have easily been taken off  11 of the job, offered early retirement. I  12 could have easily been taken off the job  13 under the -- under long-term disability,  14 and I would have received the benefits  15 that was -- I deserved.  16 Q. What is it that you -- explain  17 to me what it is that you claim that you  18 are not eligible for in terms of  19 retirement benefits. I'm not talking  20 about Workers' Comp benefits.  21 A. If I received these benefits  22 when I turned fifty-five -- you didn't  23 give me all of the paperwork. You only</p>



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17 (Pages 351 to 354)

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<p>1 gave me part of it, because it is showing  2 where I could have been eligible for six  3 hundred and seventy-nine dollars. But in  4 the letter that I received it said I would  5 receive those benefits. I only received  6 like two hundred and something dollars of  7 that benefit. I don't see that in this  8 letter.  9 Q. Do you have a copy of the  10 letter that you are referring to?  11 A. No, I don't.  12 Q. Did you not understand from  13 Exhibit 14 that you are, in fact, eligible  14 to receive the six hundred and ninety-two  15 dollars and seven cents beginning  16 September 1st, 2006 -- I'm sorry --  17 september 1st, 2016, if you wait till you  18 are sixty-five to retire?  19 A. That's if I waited till I  20 turned sixty-five. If I retired at  21 fifty-five, I would not receive full  22 benefit.  23 Q. You do know, don't you, that</p>	<p>1 Q. So, again, what you are really  2 complaining about with respect to your  3 retirement benefits is that the Workers'  4 Comp doctors did not take you off from  5 work?  6 A. The worker -- the Workers'  7 Comp doctor I wasn't -- I was treated  8 differently, I was treated unfair.  9 Q. And, again, the way that you  10 were treated differently and unfairly is  11 because they didn't take you off from  12 work?  13 A. Because they did not make sure  14 that I was properly healed or able to  15 return to my job or able to perform my  16 job.  17 Q. Okay. Do you know whether  18 Jeff Johnston had any responsibility for  19 administering the short-term or long-term  20 disability benefit plan?  21 A. He was -- he was over the  22 company.  23 Q. Well, you understood that the</p>
Page 352	Page 354
<p>1 if you retired at fifty-five you would  2 have taken a smaller retirement benefit  3 irrespective of the fact that you left  4 prior to that?  5 A. I had an option. With what  6 happened, I don't have an option -- I  7 didn't have an option. It was taken away.  8 Q. How was the option taken away?  9 A. Because I'm no longer at  10 Albany International.  11 Q. Your benefits aren't going to  12 be any different.  13 A. You are missing the point.  14 Q. I guess I am. See if you can  15 explain it to me.  16 A. You -- if I retire at  17 fifty-five, I lost benefits. If Workers'  18 Comp had treated me with the same  19 advantage that they did some of the other  20 people, I would have been allowed to  21 receive my long-term disability payments  22 and I wouldn't have to retire until age  23 sixty-two.</p>	<p>1 company employed certain people to deal  2 with benefit plans, correct?  3 A. Yes. But Jeff Johnston was  4 the one riding my back about how -- how I  5 was able to work and to work without  6 pain. That's who was harassing me.  7 Q. That is not the question. The  8 question is whether Jeff Johnston had any  9 responsibility for administering the  10 company's short or long-term disability  11 plans?  12 A. I believe so.  13 Q. And that's just based on your  14 own conjecture?  15 A. I believe so.  16 Q. Just your personal belief?  17 A. I believe so.  18 Q. Did anybody at Albany ever  19 tell you that Jeff Johnston was  20 responsible for administering the short or  21 long-term disability plans?  22 A. I didn't ask.  23 Q. Your answer is no, no one ever</p>

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18 (Pages 355 to 358)

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<p>1 told you that?</p> <p>2 A. I didn't ask you.</p> <p>3 Q. Did anyone ever tell you that,</p> <p>4 whether you asked or not?</p> <p>5 A. I didn't ask.</p> <p>6 Q. I understand you didn't ask.</p> <p>7 Did anyone ever tell you?</p> <p>8 A. No.</p> <p>9 Q. Okay. When you went into the</p> <p>10 meeting on October the 29th, 2003, was it</p> <p>11 your desire to return as of that date to</p> <p>12 your full job duties at Albany?</p> <p>13 A. It was my desire that I get</p> <p>14 the proper help from the doctors so I</p> <p>15 could perform my job fully. I was being</p> <p>16 denied that right.</p> <p>17 Q. I'm trying to make sure I</p> <p>18 understand what it was that you wanted to</p> <p>19 have happen at that meeting.</p> <p>20 A. Yes.</p> <p>21 Q. What you wanted -- you knew</p> <p>22 you couldn't actually work then, you</p> <p>23 wanted someone to send you to a Workers'</p>	<p>1 so he had to take me off the medicine,</p> <p>2 because I couldn't function.</p> <p>3 Q. So the medication did not help</p> <p>4 you with depression?</p> <p>5 A. I don't know whether it helped</p> <p>6 me with it. The only thing -- it shut my</p> <p>7 body down.</p> <p>8 Q. Have you been on any</p> <p>9 medications for depression since leaving</p> <p>10 Albany?</p> <p>11 A. The fibromyalgia doctors, they</p> <p>12 tried to treat me with anti-depressants,</p> <p>13 but my body could not take any of them.</p> <p>14 So as of now, I take no anti-depressants.</p> <p>15 Q. Did you actually take some</p> <p>16 anti-depressants that your fibromyalgia</p> <p>17 doctor prescribed for a period of time?</p> <p>18 A. I was placed on two different</p> <p>19 medications. I don't remember the name.</p> <p>20 I couldn't take either one, not even a</p> <p>21 week.</p> <p>22 Q. What happened to you if you</p> <p>23 took the anti-depressants?</p>
Page 356	Page 358
<p>1 Comp doctor who would either -- who would</p> <p>2 take you off work and treat your injuries;</p> <p>3 is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever discuss long-term</p> <p>6 disability benefits with Jeff Johnston?</p> <p>7 A. No.</p> <p>8 Q. Did you ever discuss</p> <p>9 short-term disability benefits with Jeff</p> <p>10 Johnston?</p> <p>11 A. No.</p> <p>12 Q. When you went to EAP for</p> <p>13 depression prior to the letter that you</p> <p>14 wrote the EEOC in 2000, what medication</p> <p>15 did they put you on?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did it work?</p> <p>18 A. I was on three different</p> <p>19 medications. I don't remember the name of</p> <p>20 the medication. One was to wake me up,</p> <p>21 one was to lay me down, and one was help</p> <p>22 me function during the day. In the</p> <p>23 process, the medication was overwhelming,</p>	<p>1 A. I was shut down all day. I</p> <p>2 couldn't function.</p> <p>3 Q. Have you been able to function</p> <p>4 without the anti-depressants?</p> <p>5 A. I live in constant pain every</p> <p>6 day, all day.</p> <p>7 Q. Do you consider yourself to be</p> <p>8 an emotionally stable person?</p> <p>9 A. Yes.</p> <p>10 Q. And has that been true at all</p> <p>11 times since you left your employment with</p> <p>12 Albany International?</p> <p>13 A. No.</p> <p>14 Q. At what point were you not</p> <p>15 emotionally stable?</p> <p>16 Will you answer the question?</p> <p>17 MS. WILLIAMS: Are you okay?</p> <p>18 A. I have not been able to think</p> <p>19 about what happened to me. It destroyed</p> <p>20 me, ma'am. To constantly think about what</p> <p>21 I went through, how I worked twenty-four</p> <p>22 and a half years on that job, how I gave</p> <p>23 it my all, how I was one employee that</p>

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19 (Pages 359 to 362)

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<p>1 they could count on.</p> <p>2 And for me to be sitting here</p> <p>3 to explain myself to you right now, I</p> <p>4 don't know whether you call it stable or</p> <p>5 not, but it is not comfortable to think</p> <p>6 about it. So if you call me stable, then</p> <p>7 I'm stable. If you call me unstable, then</p> <p>8 I'm unstable.</p> <p>9 Q. I'm not calling you anything.</p> <p>10 I'm asking you whether you are emotionally</p> <p>11 unstable.</p> <p>12 A. I don't know.</p> <p>13 Q. What doctors have treated you</p> <p>14 for depression since you left Albany?</p> <p>15 A. Montgomery Area Mental Health.</p> <p>16 Q. Anybody else?</p> <p>17 A. I couldn't take the medicine.</p> <p>18 They didn't administer the medicine, just</p> <p>19 counseling. I cannot take -- or my body</p> <p>20 will not accept the depressive --</p> <p>21 anti-depressants.</p> <p>22 Q. When did you begin going to</p> <p>23 Montgomery Area Mental Health?</p>	<p>1 A. I was out of the building.</p> <p>2 Q. Is that a no?</p> <p>3 A. No.</p> <p>4 Q. Norma Heath was your union rep</p> <p>5 during the October 29th, 2003, meeting; is</p> <p>6 that correct?</p> <p>7 A. Yes. She was there.</p> <p>8 Q. Was she there during the</p> <p>9 entire meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Have you spoken with her since</p> <p>12 leaving Albany?</p> <p>13 A. No.</p> <p>14 MS. SWAIN: Lets take a</p> <p>15 break.</p> <p>16 10:47 AM</p> <p>17 (Short recess)</p> <p>18 11:02 AM</p> <p>19 MS. SWAIN: I'm done.</p> <p>20</p> <p>21 EXAMINATION BY MS. WILLIAMS:</p> <p>22 Q. Ms. Davis, I have a couple of</p> <p>23 questions for you.</p>
Page 360	Page 362
<p>1 A. It was in 2004.</p> <p>2 Q. Are you still being treated</p> <p>3 there?</p> <p>4 A. No.</p> <p>5 Q. When did you stop going to</p> <p>6 Montgomery Area Mental Health?</p> <p>7 A. Probably late 2004, early</p> <p>8 2005. I don't know.</p> <p>9 Q. Did anybody other than</p> <p>10 Montgomery Area Mental Help ever treat you</p> <p>11 for depression since you left Albany?</p> <p>12 A. No.</p> <p>13 Q. Did anyone other than the EAP</p> <p>14 and the doctor that you went to just</p> <p>15 following that treat you for depression</p> <p>16 prior to your leaving Albany?</p> <p>17 A. No.</p> <p>18 Q. Did you ever ask anyone at</p> <p>19 Albany whether your employment had been</p> <p>20 terminated?</p> <p>21 A. No.</p> <p>22 Q. Did you file any grievance</p> <p>23 over what you claim was a termination?</p>	<p>1 Can you tell us how many times</p> <p>2 you have been injured at the company? Do</p> <p>3 you remember each time that you have been</p> <p>4 injured?</p> <p>5 A. I remember about five times.</p> <p>6 About five.</p> <p>7 Q. And during those five times,</p> <p>8 were you actually sent to see the Workers'</p> <p>9 Compensation doctors for those injuries?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And tell us, again,</p> <p>12 those doctors' names.</p> <p>13 A. The first time -- well, I will</p> <p>14 state it like this. The first time I went</p> <p>15 -- when I first got injured, I saw my</p> <p>16 personal doctor.</p> <p>17 Q. What is your personal doctor's</p> <p>18 name?</p> <p>19 A. It was Dr. Fallahi.</p> <p>20 Q. Okay.</p> <p>21 A. Then I was sent from</p> <p>22 Dr. Fallahi to, I believe it was,</p> <p>23 Dr. Goodman. I'm not sure. I believe it</p>

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20 (Pages 363 to 366)

Page 363	Page 365
<p>1 was Dr. Goodman. Then I was sent to a  2 Dr. Dunavant. I saw a Dr. Ryan. I  3 believe it was Dr. Richardson who did the  4 injections in my lower back. Who else?  5 That was for the first injury and rehab.  6 The second injury I think it  7 was also Dr. -- I can't remember the  8 second one.  9 Q. If you can't remember, that is  10 fine.  11 A. I think Dr. Goodman was the  12 company doctor for quite some time, but I  13 can't remember for how long. Then we went  14 to a Dr. Ulma (Phonetic), who was the  15 company doctor. And from Dr. Ulma to  16 Dr. Turner, the company doctors. And  17 these doctors would send me to  18 specialists. I saw a Dr. Kemp, he was  19 pain management, Dr. Miller, Dr. Katz,  20 Dr. Holt, Dr. Hartzog, Dr. Ulma, it was --  21 Dr. Wade. I don't remember.  22 Q. Okay.  23 A. I don't remember.</p>	<p>1 When I went to his office that  2 day, he told me that -- I told him. He  3 said he didn't understand why I couldn't  4 finish the treatment. I told him -- I  5 clearly explained to him why. He told me  6 that he didn't see anything wrong anyway.  7 So I asked him -- I said, "You  8 stuck me in my spine three times and you  9 didn't see anything wrong with me." So I  10 told him when I got home that I will call  11 the insurance company and I will report  12 what he told me. I did report it to the  13 insurance company and I did report it to  14 Linda Jones. And this was Liberty -- I  15 think it was Liberty Mutual, the insurance  16 company at that time.  17 Okay. With Dr. Hartzog, I had  18 surgery. I was scheduled for surgery at  19 eleven o'clock that day. I don't know  20 what went wrong. I was brought in the  21 back about three o'clock. I was prep'd,  22 or whatever you called it, for surgery --  23 but, anyway, when I woke up it was five</p>
Page 364	Page 366
<p>1 Q. During the time that you were  2 seeing these doctors, did any of the  3 doctors actually make any statements  4 regarding your condition -- medical  5 condition or your medical treatment that  6 you were actually receiving?  7 A. Explain that.  8 Q. Did they tell you -- did the  9 doctors tell you anything about your  10 treatment, why they were treating you and  11 the reason for the injuries, or anything  12 of that nature?  13 MR. POWELL: Object to the  14 form.  15 A. When I went to Dr. Dunavant,  16 this was for my lower back. I was  17 receiving the injections. I complained  18 about I couldn't -- I couldn't complete --  19 I did two injections, but I couldn't do  20 the third one. I explained to him what  21 the injection was doing. They were making  22 me have heart pain, they were making my  23 heart beat rapid.</p>	<p>1 thirty. I hadn't had surgery. So I had  2 to be reprep'd and -- in other words, I  3 had the surgery, but it was like about ten  4 o'clock when I left there that night.  5 When they got ready to take me  6 out of the surgery, get me -- dress me to  7 leave, I sneezed and I started urinating.  8 I urinated from then till about, off and  9 on, three o'clock in the morning. I asked  10 the nurse -- I said, "Would you go get  11 Dr. Hartzog and let him know that  12 something is wrong. This is not normal."  13 She told me that, "Well, he is  14 going to send you home anyway. Your  15 company -- Workers' Comp said this is  16 outpatient, you go home." And this is  17 what happened to me.  18 I reported this -- the company  19 had a nurse to call, I guess, to check to  20 see what was going on or how did the  21 surgery come. I explained to her what  22 happened, I explained to Linda Jones what  23 happened.</p>

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21 (Pages 367 to 370)

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<p>1 On another occasion, I went to  2 see Dr. Garrison -- first, Michael  3 Turner. I would go and I would tell him a  4 complaint about the pain that I was in.  5 Sometimes he would give me restrictions,  6 sometimes he didn't. The last time I was  7 in his office he told me that either I was  8 crazy or he was.  9 So then I was told by Donna  10 Smith that I wouldn't be seeing Dr. Turner  11 anymore. After that I was sent to  12 Dr. Garrison. I saw Dr. Garrison the  13 first time, and he sent me back to work.  14 I went back to work on this  15 occasion. Barbara Smith saw me limping  16 and she called up front and, in turn, Gay  17 Drake called the doctor. They sent me to  18 the doctor. When I left home I went to  19 Dr. Garrison's office. He was not there.  20 I had to go back across town to  21 Dr. Sweet's office. Dr. Sweet took me off  22 the job.  23 Okay. When I went back for my</p>	<p>1 through their office. They didn't do  2 anything to correct whatever was going on  3 in my body. They just allowed me to go  4 on. The pain just constantly build. I  5 worked. I worked. I went in and I worked  6 in pain, no matter what. I worked. The  7 pain got so excruciating that I could not  8 promise Mr. Johnston that I could not work  9 in pain.  10 Q. Ms. Davis, you testified  11 earlier that the Workers' Compensation  12 doctors would not take you off the job.  13 Why do you think that they would not take  14 you off?  15 MS. SWAIN: Objection.  16 A. Well, I believe that the  17 Workers' Comp doctors -- they told me that  18 they were under the company. Dr. Hartzog  19 told me that when I had rotator tear  20 surgery -- the next day he sent me back to  21 work. I had morphine in my arm and a  22 pillow under my arm.  23 I told Dr. Hartzog -- I said,</p>
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<p>1 next exam, they sent me back to  2 Dr. Garrison. When I went to  3 Dr. Garrison, he -- that's when he told me  4 about the -- giving me the herbs -- a list  5 of herbs, telling me to run around the  6 track four times, when I started dragging  7 my leg, to come back to him. But in this  8 visit he also told me, too, that it was  9 something that he could do for me but the  10 Workers' Comp would not approve it.  11 I don't know whether I'm  12 answering the questions or whether I'm  13 rambling.  14 Q. You are doing fine.  15 A. But I -- it has been a history  16 throughout -- since I received injuries of  17 the treatment that I received from the  18 doctors. I have complained to the company  19 on several -- well, whoever was in charge  20 on several occasions. Nothing has been  21 done about it. Nothing.  22 I was still sent to these  23 doctors and these doctors just passed me</p>	<p>1 "Dr. Hartzog, I won't be able to drive."  2 He said, "Don't you have an automatic."  3 That's exactly what he said to me. He  4 also told me -- I said, "Well, my company  5 don't have anything for me to do with the  6 pillow under my arm," and my company don't  7 -- I can't even tend to my personal -- if  8 I go to the bathroom, I can't even take  9 care of myself.  10 He told me that he was -- my  11 company said that they had -- in other  12 words, it was left up to the company to  13 decide whether I be at work or not be at  14 work.  15 Q. Okay. So, based on your  16 treatment by him, did you return to work?  17 A. Yes.  18 Q. Okay. Did you at any point or  19 at any time tell any employee of Albany  20 International that you were not willing to  21 work?  22 MS. SWAIN: Object to the  23 form.</p>



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22 (Pages 371 to 374)

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<p>1 A. No. No.</p> <p>2 Q. Okay. Did you, in fact,</p> <p>3 return to work?</p> <p>4 A. Yes.</p> <p>5 Q. I'm going to show you what was</p> <p>6 previously marked as Defendant's Exhibit</p> <p>7 Number 6. Give you a few minutes to look</p> <p>8 at it. (Hands document)</p> <p>9 A. All right.</p> <p>10 Q. Okay. Do you remember</p> <p>11 reviewing this form earlier?</p> <p>12 A. Yes.</p> <p>13 Q. And can you tell us exactly</p> <p>14 what this form is.</p> <p>15 A. This is short-term disability</p> <p>16 claim.</p> <p>17 Q. Did you at some point complete</p> <p>18 this form?</p> <p>19 A. Yes.</p> <p>20 Q. And, as you have seen, there</p> <p>21 are several pages -- eight pages of this</p> <p>22 form. Did you complete all eight pages?</p> <p>23 A. No.</p>	<p>1 claim been filed?" "Yes."</p> <p>2 Q. Is there anything else</p> <p>3 indicated near that block?</p> <p>4 A. It says, "For prior injury."</p> <p>5 Q. Did you complete that block?</p> <p>6 A. Yes, I guess -- no. I don't</p> <p>7 know whether I did or not. I don't know.</p> <p>8 Q. At the bottom of the page</p> <p>9 there is a name that says Linda Jones.</p> <p>10 Did she actually complete the document,</p> <p>11 those two -- first two pages?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Who is Ms. Jones?</p> <p>15 A. She handled medical records,</p> <p>16 claims, stuff of that sort. I don't know</p> <p>17 what her title was.</p> <p>18 Q. Okay. And would you know</p> <p>19 why -- or do you know why the box next to,</p> <p>20 "Has the employee indicated that the</p> <p>21 absence is work related" -- and it is</p> <p>22 checked no -- do you know why that was</p> <p>23 checked?</p>
Page 372	Page 374
<p>1 Q. Can you tell us which pages</p> <p>2 you completed?</p> <p>3 A. I think -- I think pages -- I</p> <p>4 don't know -- I know I did this one. I</p> <p>5 see my name signed to two. There is a</p> <p>6 portion -- I believe these two</p> <p>7 (Indicating).</p> <p>8 Q. You completed two pages of the</p> <p>9 eight pages; is that correct?</p> <p>10 A. I believe so.</p> <p>11 Q. All right. Let me direct your</p> <p>12 attention to page two of this document,</p> <p>13 about middle ways. Can you tell us</p> <p>14 exactly what that says? Can you see</p> <p>15 that?</p> <p>16 A. Oh, yeah. It says, "Has the</p> <p>17 employee indicated that the absence is</p> <p>18 work related," and it says no.</p> <p>19 Q. Did you check that box?</p> <p>20 A. No.</p> <p>21 Q. Okay. And can you read that</p> <p>22 for us -- the second part of that.</p> <p>23 A. "Has a Workers' Compensation</p>	<p>1 A. No.</p> <p>2 Q. Okay. Would you know why the</p> <p>3 Workers' Compensation box is actually</p> <p>4 checked yes?</p> <p>5 A. Because it was a Workers' Comp</p> <p>6 injury that I was going to the doctor for.</p> <p>7 Q. But is there any indication,</p> <p>8 based on Ms. Jones' completion of the</p> <p>9 first two pages, that this is a Workers'</p> <p>10 Compensation injury?</p> <p>11 MR. POWELL: Object to the</p> <p>12 form.</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A. This (Indicating). Yes.</p> <p>15 Q. There is?</p> <p>16 A. Yes.</p> <p>17 Q. Is it for a prior injury?</p> <p>18 A. Yes.</p> <p>19 Q. But this particular instance,</p> <p>20 was this work related?</p> <p>21 A. No -- yes. It was work</p> <p>22 related, yes.</p> <p>23 Q. Okay. It was work related?</p>

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23 (Pages 375 to 378)

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<p>1 A. Yes.</p> <p>2 Q. Okay. So why is the block</p> <p>3 that says that it is not work related</p> <p>4 checked; do you know?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. But once you completed</p> <p>7 pages, I think, four and five of the</p> <p>8 document, it was your intention to</p> <p>9 complete the form because it was work</p> <p>10 related?</p> <p>11 MS. SWAIN: Objection to the</p> <p>12 form.</p> <p>13 A. Yes.</p> <p>14 Q. Now, just a little while ago</p> <p>15 Ms. Swain actually asked you if you</p> <p>16 thought that you were emotionally stable.</p> <p>17 Do you know what emotionally stable means?</p> <p>18 A. No.</p> <p>19 Q. Okay. I am going to show you</p> <p>20 what has been previously marked as</p> <p>21 Defendant's Exhibit Number 9. Do you</p> <p>22 remember reading that document?</p> <p>23 A. Yes.</p>	<p>1 A. Okay.</p> <p>2 Q. Can you tell me what is the</p> <p>3 description of the work on those days?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A. I don't know -- I don't know</p> <p>6 if -- like the Workers' Comp situation --</p> <p>7 more than likely I left to go to a doctor</p> <p>8 or I was going to therapy.</p> <p>9 Q. Was that based on work-related</p> <p>10 injuries?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And if you would look</p> <p>13 at October the 8th -- I think there are</p> <p>14 two blocks for October the 18th 2002; is</p> <p>15 that correct?</p> <p>16 A. Okay.</p> <p>17 Q. What is the description for</p> <p>18 that day, the second October 18?</p> <p>19 A. I don't know.</p> <p>20 Q. October the 18th --</p> <p>21 A. October the 18th.</p> <p>22 Q. -- description.</p> <p>23 A. Yeah. See, it says Workers'</p>
Page 376	Page 378
<p>1 Q. And attached to that document</p> <p>2 is actually an attendance report. Do you</p> <p>3 remember reviewing that as well?</p> <p>4 A. Yes.</p> <p>5 Q. And on this particular sheet</p> <p>6 or attendance report, does it include the</p> <p>7 days that you have actually worked?</p> <p>8 A. I believe it is showing</p> <p>9 partial days.</p> <p>10 Q. Okay.</p> <p>11 A. Some are partial days.</p> <p>12 Q. Were you working those days?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A. Partial days -- I don't know.</p> <p>15 I don't know. I don't know. No.</p> <p>16 Q. You were not working?</p> <p>17 A. Some -- some days are partial</p> <p>18 days --</p> <p>19 Q. Okay.</p> <p>20 A. -- that I was at work.</p> <p>21 Q. Let me direct your attention</p> <p>22 to October the 17th of 2002, and October</p> <p>23 the 18th, 2002; do you see that?</p>	<p>1 Comp and an absence.</p> <p>2 Q. Okay. Can you remember an</p> <p>3 absence on that day?</p> <p>4 A. No.</p> <p>5 Q. Okay. But there was a</p> <p>6 Workers' Compensation -- something going</p> <p>7 on that day; is that correct?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. And you were granted Workers'</p> <p>11 Compensation based on this document for</p> <p>12 that day?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 MR. POWELL: Same objection.</p> <p>15 A. Yes.</p> <p>16 Q. But not granted for the entire</p> <p>17 day; is that correct?</p> <p>18 A. Not the entire day.</p> <p>19 Q. Okay. Is that the pattern and</p> <p>20 practice of Albany International?</p> <p>21 MR. POWELL: Objection to the</p> <p>22 form.</p> <p>23 MS. SWAIN: Objection.</p>

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24 (Pages 379 to 382)

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<p>1 A. Yes.</p> <p>2 Q. Okay. Can you describe -- or</p> <p>3 what is the procedure for taking Leave of</p> <p>4 Absence at Albany?</p> <p>5 A. To take Leave of Absence a</p> <p>6 doctor would have to declare that I am</p> <p>7 sick or he is taking me off for an illness</p> <p>8 or giving me recovery time.</p> <p>9 Q. Okay.</p> <p>10 A. And, in turn, I would have to</p> <p>11 go to Linda Jones to get a document to</p> <p>12 take to the doctor to fill out. And the</p> <p>13 doctor mailed that portion to her, the</p> <p>14 portion that he fills -- that he fills</p> <p>15 out. But it has to be declared by a</p> <p>16 doctor that I'm not able to work that day</p> <p>17 or ever how many days that I'm not</p> <p>18 working.</p> <p>19 Q. Okay. What is the procedure</p> <p>20 for short-term and long-term disability?</p> <p>21 MR. POWELL: Object to the</p> <p>22 form.</p> <p>23 MS. SWAIN: Objection.</p>	<p>1 occasions. We had something placed in my</p> <p>2 locker -- a document letting me know the</p> <p>3 things that the M-3000 was doing and</p> <p>4 causing injuries to our bodies.</p> <p>5 Q. Do you know who placed that</p> <p>6 document there?</p> <p>7 A. No.</p> <p>8 Q. I'm going to show you what we</p> <p>9 will mark as Plaintiff's Exhibit Number 1.</p> <p>10 (WHEREUPON, a document was</p> <p>11 marked as Plaintiff's Exhibit 1 and is</p> <p>12 attached to the original transcript.)</p> <p>13 Q. Do you recognize that</p> <p>14 document?</p> <p>15 A. Yes.</p> <p>16 Q. Is that the document that you</p> <p>17 were referring to?</p> <p>18 A. Yes.</p> <p>19 Q. Is that the complete</p> <p>20 document? Get you to review it.</p> <p>21 A. I believe so.</p> <p>22 Q. Okay. And what did you learn</p> <p>23 in that document?</p>
Page 380	Page 382
<p>1 A. Short-term disability is when</p> <p>2 I'm out -- like during any work period I</p> <p>3 have to be off sick. Long-term</p> <p>4 disability -- I don't even know how that</p> <p>5 works. But I know it is when -- there is</p> <p>6 an insurance that we pay into. When you</p> <p>7 become disabled to work, you are to be</p> <p>8 paid -- this was a benefit, because you</p> <p>9 are having -- been determined disabled</p> <p>10 long-term.</p> <p>11 Q. Was there a requirement that</p> <p>12 you be off for so many days to get that?</p> <p>13 MR. POWELL: Object to the</p> <p>14 form.</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. I don't know.</p> <p>18 Q. You testified earlier that</p> <p>19 this machine -- that the M-3000 was</p> <p>20 causing injuries. How do you know that</p> <p>21 that machine was causing injuries?</p> <p>22 A. Because I was -- I was -- I</p> <p>23 was injured on the machine on several</p>	<p>1 MR. POWELL: Object to the</p> <p>2 form.</p> <p>3 A. That --</p> <p>4 MS. SWAIN: Same objection.</p> <p>5 A. -- repetitive motion had</p> <p>6 caused a lot of the injuries that we had</p> <p>7 acquired on the job while performing and</p> <p>8 doing this job.</p> <p>9 Q. And did you bring that to the</p> <p>10 attention of any of the employees of</p> <p>11 Albany International?</p> <p>12 MR. POWELL: Object to the</p> <p>13 form.</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A. Yes. Other employees knows</p> <p>16 about it.</p> <p>17 Q. Okay. And what was done based</p> <p>18 on that?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 MR. POWELL: Same.</p> <p>21 A. So far, nothing, I don't</p> <p>22 think.</p> <p>23 Q. Did the company do anything in</p>

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25 (Pages 383 to 386)

Page 383	Page 385
<p>1 response to the study that was done in  2 2003?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A. I believe that's when we  5 started doing the exercising. They  6 started the exercising, you know. Like  7 you get up a portion of the day to  8 stretch, and then you do it both -- two  9 times a day, morning and evening.</p> <p>10 Q. And all employees were  11 required to do the exercises?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did you complete the  14 exercises?</p> <p>15 A. I was not able to do -- I  16 could do some of the exercises, but I was  17 not able to do all of the exercises.</p> <p>18 Q. Was anyone present when the  19 exercises were performed?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell us who was  22 present.</p> <p>23 A. Day shift, Tim Woodward or</p>	<p>1 MS. SWAIN: Objection.</p> <p>2 A. Constantly being injured,  3 constantly being harassed, constantly  4 asking for help and being denied. I have  5 worked -- and I stated that I worked  6 twenty-four and a half years there. I  7 worked hard. I did my job to the best of  8 my ability.</p> <p>9 I did things that some  10 operators weren't able to do. And out of  11 all of the work -- how hard I did, I  12 worked. My job was just taken from me.  13 All of my benefits, dignity, just a whole  14 bunch of humiliation. I was robbed.</p> <p>15 Q. Ms. Davis, I think initially  16 when the deposition actually began defense  17 counsel actually showed you a complaint  18 that has been -- actually been filed in  19 State court. It's previously marked as  20 Defendant's Exhibit Number 1. Do you  21 remember reviewing that document?</p> <p>22 A. Yes.</p> <p>23 Q. And can you tell us what it</p>
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<p>1 either Barbara Smith. Evening shift would  2 be -- third shift, we were basically --  3 you know, the lead person would turn the  4 machine off, turn the tape on, then we  5 would do the exercise.</p> <p>6 Q. Okay. So did they monitor the  7 employees doing the exercise? Did they  8 take notes?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. You testified earlier  11 that you have suffered from some  12 depression; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And is that depression caused  15 by the work environment at Albany?</p> <p>16 MR. POWELL: Object to the  17 form.</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A. Yes.</p> <p>20 Q. Can you tell us what has  21 actually caused the depression.</p> <p>22 MR. POWELL: Object to the  23 form.</p>	<p>1 is?</p> <p>2 A. It's a complaint that I filed  3 with Mr. Abel on the Workers' Comp.</p> <p>4 Q. Okay. And let me direct your  5 attention to page three of that document.  6 Do you remember reviewing that page as  7 well?</p> <p>8 A. Yes.</p> <p>9 Q. And I think defense counsel  10 previously asked if the sole reason for  11 actually filing that complaint was for  12 Workers' Compensation benefits; is that  13 correct?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 MR. POWELL: Object to the  16 form.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And was that the sole  19 reason -- or is Workers' Compensation  20 benefits the sole reason for filing that  21 complaint?</p> <p>22 A. No.</p> <p>23 Q. Okay. And who is the attorney</p>

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26 (Pages 387 to 390)

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<p>1 that represents you on that?</p> <p>2 A. Mr. Abel.</p> <p>3 Q. I will show you what we will</p> <p>4 mark as Plaintiff's Exhibit Number 2.</p> <p>5 (WHEREUPON, a document was</p> <p>6 marked as Plaintiff's Exhibit 2 and is</p> <p>7 attached to the original transcript.)</p> <p>8 Q. Can you tell us what that</p> <p>9 document is.</p> <p>10 A. It's the complaint that I</p> <p>11 filed against Albany International on --</p> <p>12 MR. POWELL: What Plaintiff's</p> <p>13 2?</p> <p>14 MS. SWAIN: Have you got a</p> <p>15 copy of that?</p> <p>16 MS. WILLIAMS: (Hands</p> <p>17 document)</p> <p>18 MS. SWAIN: Thank you.</p> <p>19 A. -- for dismissal. I'm not</p> <p>20 sure if I am saying it right.</p> <p>21 Q. Can you tell us what that</p> <p>22 document is?</p> <p>23 A. It's a Notice of Dismissal.</p>	<p>1 Q. (BY MS. WILLIAMS) I will show</p> <p>2 you what is marked as Plaintiff's Exhibit</p> <p>3 Number 3. Can you tell us what that</p> <p>4 document is.</p> <p>5 A. It's an order that count two</p> <p>6 of plaintiff's complaint is dismissed.</p> <p>7 Q. Okay. So that is signed by</p> <p>8 which judge?</p> <p>9 A. William P. Shashy.</p> <p>10 Q. Judge Shashy. Okay.</p> <p>11 Have you gone over these</p> <p>12 documents with your attorney that is</p> <p>13 representing you in State court?</p> <p>14 A. No.</p> <p>15 Q. You have not?</p> <p>16 A. No.</p> <p>17 Q. You have not received a copy</p> <p>18 of these?</p> <p>19 A. No.</p> <p>20 Q. Ms. Davis, you were also</p> <p>21 previously asked about any specific acts</p> <p>22 that either Ted Bryant or Jeff Johnston</p> <p>23 was involved in that you thought</p>
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<p>1 Q. Okay. And was that previously</p> <p>2 filed by the attorney that is representing</p> <p>3 you on that case?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Does that actually</p> <p>6 dismiss count two of his State complaint?</p> <p>7 A. I don't understand.</p> <p>8 Q. The Notice of Dismissal that</p> <p>9 you are holding, is that to dismiss one of</p> <p>10 the counts of your complaint in State</p> <p>11 court?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. I will show you what we</p> <p>14 are going to mark as Exhibit Number 3.</p> <p>15 (WHEREUPON, a document was</p> <p>16 marked as Plaintiff's Exhibit 3 and is</p> <p>17 attached to the original transcript.)</p> <p>18 MS. WILLIAMS: I don't have</p> <p>19 enough copies. Is it attached to the back</p> <p>20 of your document already?</p> <p>21 MS. SWAIN: What is it?</p> <p>22 MS. WILLIAMS: It's the order.</p> <p>23 MS. SWAIN: Yes.</p>	<p>1 constituted some form of discrimination or</p> <p>2 harassment. Do you remember doing that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And is that a complete</p> <p>5 list of everything that has actually</p> <p>6 occurred?</p> <p>7 MS. SWAIN: Objection.</p> <p>8 MR. POWELL: Same objection.</p> <p>9 A. I don't remember. I don't</p> <p>10 remember.</p> <p>11 Q. Okay. Well, can you tell us</p> <p>12 today what are the specific acts that Jeff</p> <p>13 Johnston actually committed against you or</p> <p>14 in your presence that constituted</p> <p>15 discrimination and/or harassment?</p> <p>16 MR. POWELL: Object to the</p> <p>17 form.</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A. He has, on a constant basis,</p> <p>20 belittled me in front of groups -- our</p> <p>21 group session, our group meetings. He has</p> <p>22 mostly -- everytime I open my mouth to</p> <p>23 talk to him, he always exercises power.</p>



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27 (Pages 391 to 394)

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<p>1 He was always letting me know that he  2 could take my job. He was always finding  3 fault.  4 Basically, most of the things  5 that I did I said. Ever since day one,  6 with the incident with the two other  7 operators, it is a constant form of  8 harassment with him or from him since I  9 have been in the company.  10 I actually spent my time  11 trying to stay away from Mr. Johnston,  12 because any time it was -- I had to be in  13 the midst or around him, it was always him  14 finding fault or something wrong with what  15 I did or didn't do.  16 Q. What are the specific acts  17 that Ted Bryant did? Can you tell us  18 those?  19 A. Ted Bryant is personnel  20 manager. Ted Bryant allowed all of the  21 stuff that I'm going through to happen.  22 Ted Bryant, as an employer -- I felt like  23 I was supposed to be protected just like</p>	<p>1 injured. They were taken off of the job,  2 they were given light duty, they were sent  3 to doctors. The doctors performed  4 surgeries. They don't have to spent the  5 rest of their life in constant pain like I  6 do every day.  7 I explained to them that I was  8 sleeping on seven pillows. I had to prop  9 my body in every direction that I could to  10 even get a halfway decent sleep at night.  11 I told them this. And all of this is  12 going on because they knew that they  13 controlled those doctors. Those doctors  14 did not take care of me. They did not.  15 Right now, I sleep on seven  16 pillows. I'm propped up every direction  17 you can be propped up. And this was  18 before I was diagnosed with fibromyalgia.  19 It was way before. I let them know. I'm  20 sorry.  21 MS. WILLIAMS: No more  22 questions. Let's take a break.  23 THE WITNESS: I'm sorry.</p>
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<p>1 he protected the rest of the employees. I  2 was denied protection.  3 The things that we were going  4 through -- I was going through, Ted Bryant  5 knew the rules, he knew the conditions of  6 Workmen's Comp, he knew what they didn't  7 and did do. He didn't exercise that  8 power.  9 Q. What do you mean by protect  10 the employees?  11 A. With what I was going through,  12 they knew that -- they knew of the  13 multiple injuries that I received. And it  14 was not like to one part of my body, it  15 was to all of the major parts of my body.  16 The body -- the parts that caused my body  17 to function on a day-to-day basis.  18 He knew that I was constantly  19 in pain. I complained. I let them know.  20 And he didn't do anything about it.  21 Q. Okay. Let me rephrase this.  22 How did he protect the other employees?  23 A. You have people that were</p>	<p>1 MS. WILLIAMS: I'm done. No  2 more questions.  3 MR. TOLES: Let's take a break  4 for a minute and get her together.  5 11:40 AM  6 (Lunch recess)  7 1:15 PM  8 MS. WILLIAMS: Back on the  9 record. We are done with questioning.  10 MR. POWELL: Okay.  11 REEXAMINATION BY MR. POWELL:  12 Q. Ms. Davis, I want to follow up  13 on some questions that your lawyer asked  14 you before we took a break earlier. Your  15 lawyer showed you what she had marked as  16 Exhibit 1, a document entitled Portland  17 M-3000 Ergonomic Project, March, 2003. I  18 believe your testimony earlier was that  19 somebody put this in your locker.  20 A. Yes.  21 Q. All right. But you do not  22 know who put it in your locker?  23</p>

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28 (Pages 395 to 398)

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<p>1 A. No.</p> <p>2 Q. When did they put it in your</p> <p>3 locker?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know when in relation</p> <p>6 to -- you know, before or after August of</p> <p>7 2003?</p> <p>8 A. I don't know exactly. I don't</p> <p>9 know.</p> <p>10 Q. All right. Do you know of</p> <p>11 anybody else in the Montgomery plant who</p> <p>12 received a copy of this document?</p> <p>13 A. No.</p> <p>14 Q. After finding this in your</p> <p>15 locker, did you give this to anybody at</p> <p>16 Albany in Montgomery?</p> <p>17 A. No.</p> <p>18 Q. All right. You didn't go ask</p> <p>19 your supervisor in the seaming department</p> <p>20 about this document?</p> <p>21 A. No.</p> <p>22 Q. Did you give it to any of the</p> <p>23 Union stewards?</p>	<p>1 Q. And at any point since 1991 or</p> <p>2 1992, have you been sent to see</p> <p>3 Dr. Donovan for any treatment?</p> <p>4 A. Yes.</p> <p>5 Q. When?</p> <p>6 A. It was in the time frame of --</p> <p>7 between 2000, 2001 -- I mean, 2003.</p> <p>8 Q. What did you go see</p> <p>9 Dr. Donovan for in the 2002, 2003 time</p> <p>10 frame?</p> <p>11 A. Dunavant -- Donna took me back</p> <p>12 for a lower back pain and neck pain.</p> <p>13 Q. Did you get any more steroid</p> <p>14 injections at that point?</p> <p>15 A. He refused to see me.</p> <p>16 Q. So you didn't actually see the</p> <p>17 doctor?</p> <p>18 A. He came in and told me that he</p> <p>19 wouldn't see me.</p> <p>20 Q. All right. And did you then</p> <p>21 go to some other doctor for treatment?</p> <p>22 A. No. We left and -- I don't</p> <p>23 know exactly what happened after then. I</p>
Page 396	Page 398
<p>1 A. No.</p> <p>2 Q. Did you give it to Mr. Bryant?</p> <p>3 A. No.</p> <p>4 Q. Give to it Mr. Johnston?</p> <p>5 A. No.</p> <p>6 Q. All right. You were asked a</p> <p>7 number of questions about some doctors,</p> <p>8 and in connection with Dr. Donovan you</p> <p>9 testified that you reported to Liberty</p> <p>10 Mutual and to Linda Jones what I</p> <p>11 understood was a comment by Dr. Donovan</p> <p>12 that he didn't see anything wrong with</p> <p>13 your back.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. When did Dr. Donovan</p> <p>16 make that comment to you?</p> <p>17 A. It was the first injury.</p> <p>18 Around '91, '92, something within that</p> <p>19 time frame.</p> <p>20 Q. And in the 1991, 1992 time</p> <p>21 frame was Liberty Mutual the Workers'</p> <p>22 Compensation insurer?</p> <p>23 A. I believe so.</p>	<p>1 left his office.</p> <p>2 Q. Okay. When did you report</p> <p>3 this comment by -- well, strike that. Let</p> <p>4 me ask you this.</p> <p>5 What is the doctor's last</p> <p>6 name?</p> <p>7 A. I think it is Dunavant. The</p> <p>8 doctor -- which doctor?</p> <p>9 Q. I had written it down as</p> <p>10 Donovan.</p> <p>11 A. I believe it was Dunavant. I</p> <p>12 believe it was Dunavant.</p> <p>13 Q. When did you report to</p> <p>14 Ms. Jones this comment by Dr. Dunavant?</p> <p>15 A. It was after the day that I</p> <p>16 visited his office.</p> <p>17 Q. 1991, 1992?</p> <p>18 A. 1991, 1992, one of those</p> <p>19 dates. During that time.</p> <p>20 Q. During that time. Okay.</p> <p>21 You also testified earlier</p> <p>22 about you had some surgery with</p> <p>23 Dr. Hartzog.</p>

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<p>1 A. Yes.</p> <p>2 Q. Is that for -- what was that</p> <p>3 one for?</p> <p>4 A. For right shoulder rotator</p> <p>5 tear.</p> <p>6 Q. Rotator cuff. Okay.</p> <p>7 When was that surgery?</p> <p>8 A. 2001.</p> <p>9 Q. And I believe what you</p> <p>10 testified earlier was that a nurse of</p> <p>11 Dr. Hartzog indicated that in spite of you</p> <p>12 reporting some problems with urinating</p> <p>13 after the surgery, that Comp had said you</p> <p>14 were going to have to leave the hospital</p> <p>15 anyway?</p> <p>16 A. No. When I was in the</p> <p>17 hospital -- before I left the hospital --</p> <p>18 Q. Yes, ma'am.</p> <p>19 A. -- the nurse that was</p> <p>20 dismissing me -- I started just</p> <p>21 urinating. And after -- in the process I</p> <p>22 told her to call the doctor. And she said</p> <p>23 it wouldn't do any good to call the</p>	<p>1 Q. One day, though?</p> <p>2 A. It wasn't a day.</p> <p>3 Q. All right.</p> <p>4 A. It was from eleven in the</p> <p>5 morning till ten that night.</p> <p>6 Q. They didn't keep you</p> <p>7 overnight?</p> <p>8 A. No.</p> <p>9 Q. Then were you treated -- did</p> <p>10 you go through rehabilitation for the</p> <p>11 shoulder?</p> <p>12 A. Yes.</p> <p>13 Q. All Workers' Comp?</p> <p>14 A. Yes.</p> <p>15 Q. Other than Linda Jones, who</p> <p>16 else at the company have you complained to</p> <p>17 about your Workers' Comp doctors?</p> <p>18 A. I complained to Ted Bryant, I</p> <p>19 complained to Linda Jones, I complained to</p> <p>20 shop stewards.</p> <p>21 Q. Anybody else?</p> <p>22 A. Probably co-workers.</p> <p>23 Q. All right. I thought we had</p>
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<p>1 doctor, because I was going to have to</p> <p>2 leave the hospital.</p> <p>3 Q. Do you remember the nurse's</p> <p>4 name?</p> <p>5 A. No, I don't.</p> <p>6 Q. What hospital?</p> <p>7 A. Jackson Hospital.</p> <p>8 Q. Did you personally make any</p> <p>9 effort to contact the doctor about this</p> <p>10 incident?</p> <p>11 A. When I went back to</p> <p>12 Dr. Hartzog, I reported to him what</p> <p>13 happened.</p> <p>14 Q. And what did he say?</p> <p>15 A. I don't remember what he said.</p> <p>16 Q. And when did you report this</p> <p>17 comment by the nurse to Ms. Jones?</p> <p>18 A. It probably was during the</p> <p>19 time after the surgery.</p> <p>20 Q. How long were you in the</p> <p>21 hospital for rotator cuff surgery?</p> <p>22 A. Eleven to ten -- how many</p> <p>23 hours is that?</p>	<p>1 gotten a list from you last time of</p> <p>2 everything that you claimed that</p> <p>3 Mr. Johnston had done to you. But you</p> <p>4 answered a question from your lawyer in a</p> <p>5 fairly generic fashion, so I wanted to --</p> <p>6 what you identified in response to a</p> <p>7 question by Ms. Williams was that</p> <p>8 Mr. Johnston belittled you in group</p> <p>9 meetings, that he exercised his power,</p> <p>10 that he let you know he could take your</p> <p>11 job, and he was always finding fault with</p> <p>12 you.</p> <p>13 A. Yes.</p> <p>14 Q. At any point in any group</p> <p>15 meeting between you and Mr. Johnston, did</p> <p>16 he ever make any reference to race?</p> <p>17 A. No.</p> <p>18 Q. Did he ever make any racially</p> <p>19 inappropriate remarks in your presence?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did he ever tell any racially</p> <p>22 inappropriate jokes in your presence?</p> <p>23 A. No.</p>

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30 (Pages 403 to 406)

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<p>1 Q. When was the first group  2 meeting where you claim Mr. Johnston  3 belittled you?  4 A. I don't remember.  5 Q. When was the last one?  6 A. October 29th, 2003.  7 Q. Okay. Prior to October the  8 29th, 2003, when was the next most recent  9 group meeting where Mr. Johnston belittled  10 you?  11 A. I don't know a date. I don't  12 have -- I don't know the date.  13 Q. Do you know where it occurred?  14 A. Once on the floor, once in the  15 meeting.  16 Q. All right. So the settings  17 where Mr. Johnston belittled you in group  18 meetings were the October 29th, 2003,  19 meeting, one time on the floor, and one  20 time in some other meeting?  21 A. This didn't happen one, two,  22 three times. This happened more than one,  23 two, three times.</p>	<p>1 Q. From every other employee in  2 the Montgomery --  3 A. It was -- Mr. Johnston picked  4 on me as much as possible. Mr. Johnston  5 let me know that he could have my job. So  6 I stayed away as much as possible from  7 Mr. Johnston so that I could hold my job  8 or keep my job.  9 Q. Well, did you see Mr. Johnston  10 behave in a similar fashion towards any  11 other employee of Albany International?  12 A. I saw what Mr. Johnston did to  13 me.  14 Q. Did you see Mr. Johnston  15 behave in the same manner toward any other  16 employee of Albany International?  17 A. No.  18 Q. All right. So are you the  19 only employee of the company that you  20 observed Mr. Johnston belittle?  21 A. I don't know.  22 Q. I'm asking what you personally  23 saw at Albany. Are you aware of any other</p>
Page 404	Page 406
<p>1 Q. How many?  2 A. This was something -- I can't  3 tell you how many, but I know that it was  4 something that occurred often enough for  5 me to be upset or to feel discriminated or  6 not being treated like the next person.  7 Q. All right. Other than the one  8 time on the floor, the one time in a  9 meeting on October the 29th, 2003, can you  10 identify any other particular event or  11 meeting where you claim Mr. Johnston  12 belittled you?  13 A. I can't -- I don't know  14 exactly when. I don't remember exactly  15 when. But it was periods of time where I  16 did my best to stay away from  17 Mr. Johnston, because any time I was in  18 Mr. Johnston's presence, Dora was the one  19 singled out.  20 Q. You were singled out from  21 every other employee in the Montgomery  22 plant?  23 A. I was treated different.</p>	<p>1 employee of the company that Mr. Johnston  2 belittled in the fashion that you claim  3 that he belittled you?  4 A. No.  5 Q. Okay. You worked with both  6 male and female employees, correct?  7 A. Yes.  8 Q. You worked with both black and  9 white employees?  10 A. Yes.  11 Q. You are the only employee that  12 you observed Mr. Johnston treat this way?  13 A. Yes.  14 Q. The one time on the floor  15 where he belittled you, which event was  16 that?  17 A. This was when the person left  18 banana peels on the machine.  19 Q. We talked about that in detail  20 last time. And the one time in the  21 meeting; is that the magazine meeting?  22 A. The magazine, and then it  23 was -- the other occasion was when he</p>

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<p>1 called me in the office.</p> <p>2 Q. And who was the -- I know you</p> <p>3 called Dot Collins on the phone. Who was</p> <p>4 the other employee with you on that</p> <p>5 occasion?</p> <p>6 A. Jerelene Forest.</p> <p>7 Q. Okay. Now, when you testified</p> <p>8 in response to Ms. Williams' question that</p> <p>9 Mr. Johnston exercised power, what did you</p> <p>10 mean by that?</p> <p>11 A. He exercised his -- his job</p> <p>12 title where he was supervisor, whether it</p> <p>13 was department manager, production</p> <p>14 manager, or plant manager.</p> <p>15 Q. Was there something</p> <p>16 inappropriate about Mr. Johnston carrying</p> <p>17 out his job duties?</p> <p>18 A. The way he treated me.</p> <p>19 Q. When you say he exercised his</p> <p>20 power in the way that he treated you, are</p> <p>21 you referring to anything other than these</p> <p>22 events where you claim he belittled you?</p> <p>23 A. I'm claiming the belittlement</p>	<p>1 to come and take me to the hospital.</p> <p>2 Q. Is that the fume incident that</p> <p>3 we talked about last time?</p> <p>4 A. I don't know.</p> <p>5 Q. Okay. When did that occur?</p> <p>6 What was Mr. Johnston's job at the time?</p> <p>7 A. He was department supervisor</p> <p>8 -- I mean, department manager. I begged</p> <p>9 off the machine. I told him the machine</p> <p>10 was making me sick.</p> <p>11 Another operator came -- the</p> <p>12 lead person came to the machine. As soon</p> <p>13 as she sat down on the machine she had</p> <p>14 short wind and tightening of the breath.</p> <p>15 She didn't have to go back to the</p> <p>16 machine.</p> <p>17 The tech came and he was</p> <p>18 trying to fix the problem. He couldn't</p> <p>19 fix the problem, because he couldn't</p> <p>20 breathe.</p> <p>21 Q. Why do you believe</p> <p>22 Mr. Johnston belittled you?</p> <p>23 A. Mr. Johnston didn't like me.</p>
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<p>1 treatments, I'm claiming on one occasion I</p> <p>2 was not even in the plant and I got wrote</p> <p>3 up for somebody knocking a hole in a</p> <p>4 fabric. I'm claiming that.</p> <p>5 Q. When did that happen?</p> <p>6 A. This happened during his time</p> <p>7 of department manager, seaming department</p> <p>8 manager.</p> <p>9 Q. That would be the mid 1990s?</p> <p>10 A. It was late 1990s. It wasn't</p> <p>11 mid '90s. He became the -- I think it was</p> <p>12 '95 when he became the seaming</p> <p>13 supervisor.</p> <p>14 Then one occasion he -- I was</p> <p>15 working on this machine with two other</p> <p>16 operators, and they were pulled off of the</p> <p>17 machine and someone had put the wrong</p> <p>18 chemicals on when they serviced the</p> <p>19 machine. I was forced to work on that</p> <p>20 machine until it damaged my health where I</p> <p>21 ended up in the emergency room with fifty</p> <p>22 percent of oxygen in my bloodstream. I</p> <p>23 actually passed out, and the ambulance had</p>	<p>1 Q. Did he tell you that he didn't</p> <p>2 like you?</p> <p>3 A. No. He just treated me like</p> <p>4 he didn't like me.</p> <p>5 Q. Do you know why he didn't like</p> <p>6 you?</p> <p>7 A. Because I -- he had to</p> <p>8 apologize to me.</p> <p>9 Q. Other than having to apologize</p> <p>10 to you, is there any other reason that you</p> <p>11 believe Mr. Johnston didn't like you?</p> <p>12 A. I just believe he didn't like</p> <p>13 me because of the way he treated me.</p> <p>14 Q. Okay. And do you believe that</p> <p>15 he belittled you because he was made to</p> <p>16 apologize to you?</p> <p>17 A. I just believe he didn't like</p> <p>18 me.</p> <p>19 Q. Do you think he belittled you</p> <p>20 because of your race?</p> <p>21 A. That's part of the reason.</p> <p>22 Q. What are the other reasons?</p> <p>23 A. He didn't like me.</p>



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32 (Pages 411 to 414)

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<p>1 Q. Okay. You didn't see him  2 belittle other black employees in the  3 plant, did you?  4 A. No, I didn't.  5 Q. Why do you believe your race  6 made a difference to Mr. Johnston?  7 A. You would have to ask  8 Mr. Johnston that, because I have no clue.  9 Q. You filed the lawsuit, so I'm  10 asking you why --  11 A. What he did happened to me.  12 I'm telling you what happened to me.  13 Q. I understand. I'm asking  14 you --  15 A. I don't know why.  16 Q. Do you allege in this case  17 that he belittled you because of your  18 race?  19 A. Yes.  20 Q. Okay. What is your basis for  21 believing that your race made a difference  22 to him?  23 A. What he did to me happened to</p>	<p>1 Q. Okay. You said Mr. Johnston  2 let you know he could take your job. How  3 many times did he do that?  4 A. With the magazine situation,  5 with the time I had to take Jerry in the  6 office with me, and October the 29th.  7 Q. Other than those three  8 occasions, is there any other time during  9 your employment with Mr. Johnston where he  10 let you know he could take your job?  11 A. I don't remember.  12 Q. Okay. Did Mr. Johnston ever  13 actually take your job?  14 A. Yes.  15 Q. When?  16 A. October the 29th, 2003.  17 Q. All right. I thought you  18 testified earlier that you were terminated  19 on August the 21st, 2003.  20 A. I said I felt like I was  21 terminated August the 21st, because that's  22 when I was asked to not punch in. And  23 then this was an ongoing situation.</p>
Page 412	Page 414
<p>1 me.  2 Q. I understand that.  3 A. Okay.  4 Q. Why do you believe your race  5 made -- was a factor in his behavior  6 towards you?  7 A. The situation was between me  8 and other white women. I was the black  9 person and I was the one who was belittled  10 in two situations with Mr. Johnston; the  11 magazine situation and the firing  12 situation.  13 Q. The firing situation meaning  14 the October 29th meeting?  15 A. Meaning when he was trying to  16 take me upstairs to get my job.  17 Q. With Jerelene Forest, that  18 event?  19 A. Yes.  20 Q. All right. And he was  21 department manager for both -- for the  22 magazine and the Jerelene Forest incident?  23 A. Yes.</p>	<p>1 Q. Okay. You have testified in  2 response to one of Ms. Williams' questions  3 that Mr. Johnston was always finding fault  4 with you in some way.  5 A. If I was asked to work on the  6 project, I was denied because of  7 Mr. Johnston. If it come to wire  8 assignments, another employee wanted this,  9 they got the wire assignment. When I  10 worked on that machine that I almost died  11 with, Mr. Johnston was in charge of taking  12 the other two operators off. One was Nat  13 Jones' supervisor, the other one was a  14 white woman.  15 Q. Who was Nat Jones' supervisor?  16 A. A girlfriend, and the other  17 one was a white woman.  18 Q. Well, Mr. Jones' girlfriend,  19 was she white or black?  20 A. She was black.  21 Q. Okay. So the two other  22 operators who were taken off of the  23 machine, both were women, and one was</p>

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33 (Pages 415 to 418)

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<p>1 black and one was white?</p> <p>2 A. Yes.</p> <p>3 Q. I'm trying to understand how</p> <p>4 it is Mr. Johnston was finding fault with</p> <p>5 you.</p> <p>6 A. I have explained to you, and I</p> <p>7 don't understand why you can't find fault,</p> <p>8 because I have been talking to you for</p> <p>9 almost two days and I have complained for</p> <p>10 two days, and you don't see any fault that</p> <p>11 he found with me.</p> <p>12 Q. I'm asking you to -- for you</p> <p>13 to tell me which specific events where it</p> <p>14 is Mr. Johnston found fault with your work</p> <p>15 performance.</p> <p>16 A. He didn't allow me to go -- to</p> <p>17 do projects. He said that I wouldn't do</p> <p>18 anymore projects. I didn't do anymore</p> <p>19 projects. If I asked to be moved off of</p> <p>20 the machine, I couldn't be moved off of</p> <p>21 that machine. The same machine that was</p> <p>22 hurting everybody else, somebody -- they</p> <p>23 would be moved off. I was not moved off.</p>	<p>1 towards me.</p> <p>2 Q. When --</p> <p>3 A. Taking my job.</p> <p>4 Q. When did you go to Mr. Bryant</p> <p>5 to complaint about Jeff Johnston?</p> <p>6 A. Listen, I talked to Mr. Bryant</p> <p>7 all the time. I talked to Mr. Bryant all</p> <p>8 the time. I have talked to him on the</p> <p>9 phone, I have been in his office to talk</p> <p>10 to him. I have explained to him what was</p> <p>11 going on in the doctor's office and with</p> <p>12 -- in other situations, and he didn't do</p> <p>13 anything about it.</p> <p>14 Q. When did you go to Mr. Bryant</p> <p>15 to complain about Jeff Johnston?</p> <p>16 A. All the time.</p> <p>17 Q. When?</p> <p>18 A. All the time. I don't</p> <p>19 remember. I don't have dates. I don't</p> <p>20 remember the dates. I don't remember</p> <p>21 hours. I don't remember days.</p> <p>22 Q. Identify a specific event that</p> <p>23 you went to Ted Bryant about involving</p>
Page 416	Page 418
<p>1 I was actually made to work on that</p> <p>2 machine.</p> <p>3 If I was accused of something,</p> <p>4 he never tried to find out what was the</p> <p>5 problem, he just chastised me.</p> <p>6 Q. Any other instances where you</p> <p>7 believe that Mr. Johnston found fault with</p> <p>8 you?</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. Now, you mentioned when</p> <p>11 you were asked a question by Ms. Williams</p> <p>12 and you added Mr. Bryant to the list who</p> <p>13 somehow did something inappropriate to</p> <p>14 you.</p> <p>15 A. Mr. Bryant was personnel</p> <p>16 manager. Mr. Bryant was over all of us.</p> <p>17 He is the one that held the meetings,</p> <p>18 taught us this, said that, said that. He</p> <p>19 was in charge of personnel. He could have</p> <p>20 reported Mr. Johnston, but he did not</p> <p>21 report Mr. Johnston for his action.</p> <p>22 Q. For what actions?</p> <p>23 A. For the actions that he took</p>	<p>1 Jeff Johnston.</p> <p>2 A. I don't remember.</p> <p>3 Q. Can you name a single one in</p> <p>4 all of the years that you worked in the</p> <p>5 Montgomery plant with Ted Bryant and Jeff</p> <p>6 Johnston?</p> <p>7 A. I don't remember.</p> <p>8 Q. You can't name any?</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. But you went to</p> <p>11 Mr. Bryant?</p> <p>12 A. I have gone to Mr. Bryant.</p> <p>13 Q. I see. Okay. You testified</p> <p>14 that Mr. Bryant had denied you</p> <p>15 protection. Is that in connection with</p> <p>16 the level of treatment that you received</p> <p>17 for the Workers' Compensation injuries?</p> <p>18 A. Mr. Bryant was sitting in on</p> <p>19 the meetings. He knows exactly what</p> <p>20 happened in the meetings, okay.</p> <p>21 Q. Well, you filed the lawsuit.</p> <p>22 A. Yes.</p> <p>23 Q. You are now -- you have now</p>

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34 (Pages 419 to 422)

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<p>1 testified in response to a question by  2 your lawyer that somehow Mr. Bryant denied  3 you projection.  4 A. He did.  5 Q. I am trying to get from you a  6 list of the specific instances where you  7 claim Mr. Bryant denied you some  8 projection in the plant.  9 A. From August the 21st to  10 October the 29th, Mr. Bryant was in every  11 meeting that was held. He took notes, he  12 knew what Jeff Johnston was doing. He  13 heard Jeff Johnston when he wanted me to  14 promise that I can work with no pain. He  15 heard -- he was there when Jeff Johnston  16 jumps from the table, pushed his chair  17 back and talked to me in anger. He was  18 there.  19 Q. How many meetings was -- were  20 you in with Mr. Bryant between August the  21 21st of 2003 and October of the 29th,  22 2003?  23 A. I don't know exactly.</p>	<p>1 A. It didn't do me no good to go  2 to Mr. Kazalay. Mr. Kazalay didn't do  3 anything about anything. When I called  4 Mr. Kazalay's office he said there was a  5 chain of command. Part of that chain of  6 command was Jeff Johnston.  7 Q. Well, you told me about the  8 chain of command story in connection with  9 an event involving Mr. Woodward several  10 years earlier. My question to you was:  11 Did you ever go to George Kazalay to  12 report to Mr. Kazalay that you thought  13 somehow Ted Bryant had failed to project  14 you in the plant?  15 A. No.  16 Q. Did you ever make any effort  17 to call anybody at Albany's corporate  18 headquarters to report some concern with  19 Ted Bryant?  20 A. I called corporate, yes, when  21 I was taken off of my job. And I was -- I  22 called them. No one returned my call.  23 Q. You called corporate when?</p>
Page 420	Page 422
<p>1 Q. All right. Prior to August  2 the 21st, 2003, is there any instance that  3 you can identify where you claim Ted  4 Bryant denied you some protection in the  5 plant?  6 A. I don't remember.  7 Q. On these occasions where you  8 claim Mr. Bryant denied you projection,  9 why do you believe he did that?  10 A. I have no clue.  11 Q. Do you believe Mr. Bryant  12 denied you some projection in the plant  13 because of your race?  14 A. I don't know.  15 Q. Do you believe Mr. Bryant  16 denied you some projection in the plant  17 because of Workers' Compensation claims?  18 A. I don't know.  19 Q. Now, at the time Mr. Bryant  20 allegedly denied you some projection in  21 the plant, you weren't making any effort  22 to go to George Kazalay to complain, were  23 you?</p>	<p>1 A. It was 2003.  2 Q. Before or after October the  3 29th, 2003?  4 A. I don't remember.  5 Q. Who did you call at corporate?  6 A. The CEO. I don't know his  7 name. I just know the CEO.  8 Q. And did you leave a message  9 for him to return your call?  10 A. I believe I did the first  11 time.  12 Q. Well, what was the nature of  13 the message?  14 A. I don't remember.  15 Q. Did you leave it on voicemail,  16 leave it with the secretary?  17 A. A voicemail.  18 Q. Well, as best you recall, what  19 did you say on the voicemail?  20 A. I don't remember. I just  21 asked for them to return my call.  22 MR. POWELL: I don't think I  23 have any further questions. Jennifer</p>

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35 (Pages 423 to 424)

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1 might.

2 MS. SWAIN: I don't have any  
3 questions.

4 I do want, Ms. Davis, to put  
5 you on notice, and your lawyers as well,  
6 that I think it is clear that the facts  
7 that you have alleged in this lawsuit do  
8 not support the claims made in the  
9 complaint.

10 And because of that, on behalf  
11 of Jeff Johnston, I want to ask you  
12 voluntarily to dismiss your claims and put  
13 you on notice that he will seek fees if he  
14 has to continue fighting this lawsuit  
15 under Rule 11, the Alabama Accountability  
16 and Litigation Act, and the fee shifting  
17 provisions, but the statutes you sued  
18 under.

19 MS. WILLIAMS: Anything else?

20 MS. SWAIN: No.

21 MS. WILLIAMS: Okay. Thank  
22 you.

23 1:44 PM

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1 FURTHER DEPONENT SAITH NOT  
2 C E R T I F I C A T E  
3 STATE OF ALABAMA)  
4 JEFFERSON COUNTY)  
5

6 I hereby certify that the above  
7 and foregoing deposition was taken down by  
8 me in stenotype, and the questions and  
9 answers thereto were transcribed by means  
10 of computer-aided transcription, and that  
11 the foregoing represents a true and  
12 correct transcript of the deposition given  
13 by said witness upon said hearing.

14 I further certify that I am  
15 neither of counsel nor of kin to the  
16 parties to the action, nor am I in anywise  
17 interested in the result of said cause.

18  
19 DAVID L. MILLER, CSR, RMR  
20 Certificate No: AL-CSR-141  
21

22 My Commission expires  
23 November 30, 2009